



FAMILY VIOLENCE

LEGISLATIVE UPDATE

National Council of Juvenile and Family Court Judges
Family Violence and Domestic Relations Program

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This document was made possible by Grant Number 90EV0415 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services or the National Council of Juvenile and Family Court Judges.

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INTRODUCTION AND OVERVIEW

by Sarah Smith, JD

To produce the Legislative Update each year, the Family Violence and Domestic Relations Program of the National Council of Juvenile and Family Court Judges (NCJFCJ) tracks and analyzes state legislative developments that impact victims and survivors of domestic violence and their families. Through ongoing research and consultation with state domestic violence coalitions, we create a snapshot of current policy responses to state governments' challenges in addressing domestic violence and its many collateral consequences. Our hope is that the legislative update can serve as a reference for judges, policy makers, advocates, and individuals.



Orders of protection were the dominant focus of the 2013 legislative season with many state legislatures taking action to expand their reach and enhance their capacity to provide safe options for victims and their families. In an effort to shore up the protective order as a meaningful safeguard against domestic violence, a significant number of states also focused on protective order violations. While some states introduced or increased criminal penalties for violations, other states addressed barriers to obtaining or enforcing protective orders.

Legislative efforts relied equally on innovation and well-established protective tools to empower and enhance safety of victims. Some legislative trends from recent years, such as custody rights for military personnel, risk assessments, and adolescent relationship abuse, waned, while others gained traction. The 2013 legislative season saw a renewed focus on victims' rights and a continued emphasis on domestic violence in custody cases and on victim confidentiality.

The following is an overview of the trends from the 2013 legislative session that are relevant to family violence:

Orders of Protection

A total of 23 states undertook a range of reforms to their statutory schemes for orders of protection. The most significant trend was the expansion of the types of provisions that a court may include in a protective order.

While only one state, Colorado, specifically addressed orders of temporary custody, several other states introduced protective order terms aimed at

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supporting a family's separation from an abuser. Colorado extended the term of a civil protection order that awards temporary custody, care, and control of minor children from 120 days to one year. In further support of such a separation, Colorado empowered courts to issue an injunction restraining a party from stopping the payment of rent, mortgage, utilities, transportation, insurance, and child care costs where they have an existing duty to pay these costs. This same provision permits courts to restrain parties from disposing of their personal effects or real property in an attempt to diminish support obligations to their intimate partner and shared minor children. California similarly acted to shore up the financial stability of victims separating from batterers by passing legislation that permits courts to include terms in a civil protection order that bar a party from cashing, borrowing against, transferring, disposing of, or changing beneficiaries on an insurance policy. In recognition of another control tactic commonly used by abusers, two states (New York and Vermont) extended courts that issue civil protection orders the power to include terms that require the return of documents to a protected party, including identification cards, passports, birth certificates, and health insurance cards.



A number of states focused on the more traditional protective order terms. Continuing the legislative trend in recent years of recognizing the significance of stalking as an indicator of domestic violence, Washington State introduced a civil protection order specific to stalking, explicitly aimed at stalking victims who could not satisfy the requirements for a domestic violence protective order. Colorado empowered its courts to include a bar on stalking as a term in emergency and non-emergency civil protection orders. Emergency protective orders now can include terms that restrain a person from contacting, harassing, injuring, touching, intimidating, sexually assaulting, or sexually abusing the protected party.

Several states expanded the scope of stay-away terms to include prohibiting contact with a minor child (Georgia) or remaining a fixed distance from and refraining from interfering with a party at his or her school or place of employment (Colorado and Vermont). California introduced a unique protective order term with a law that authorizes courts to bar a person from engaging in false impersonation.

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Continuing a trend that emerged in recent years, four states addressed the inclusion of provisions for animals in protective orders. Maine and Nebraska authorized courts to extend protection to pets, and Texas defined possession of a pet for the purpose of extending authority to issue protective orders that bar the removal of or harm to a pet in the possession of another party. Nevada, where pets already can be the subject of protective orders, passed legislation requiring that this right be added to the written statement that law enforcement officers must provide to suspected victims of domestic violence.



Utah was the only state to address dating violence with the creation of protection orders specifically for parties over 18 who have or had a dating relationship. The statute defines a dating relationship as a social relationship of romantic or intimate nature beyond casual fraternization, regardless of whether there is sexual intimacy. The statute permits these protection orders to include household or family members of victims. Terms can include a prohibition on threats of violence, violence, abuse, phone calls, or electronic communication.

Protective Orders: Access and Enforcement

In recognition of the power dynamics unique to domestic violence, several states took steps to reduce the barriers to obtaining protective orders. Oklahoma now prohibits courts from requiring a victim to seek legal sanctions against an abuser, including divorce, separation, paternity, or criminal charges, prior to hearing the victim's petition for a protective order. Colorado passed legislation empowering courts to issue temporary civil protection orders without requiring that petitioners show that they have pursued criminal charges or provide other evidence of domestic violence, such as a police report. The Colorado law also prohibits the denial of a temporary protective order because there is a passage of time between the alleged abuse and the application for a protective order. Another Colorado statute eliminates the requirement that a court make a finding of imminent danger in order to issue a permanent protection order.

A number of states passed legislation aimed at overcoming challenges to the enforcement of protection orders. Two states, New York and Utah, passed statutes clarifying when law enforcement should make arrests when there is a suspected violation of an order of protection. In an effort to clarify

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how protective orders should be enforced, Arkansas, Alaska, and New York passed laws requiring written notification of the consequences of a violation in bold language on the order of protection. New York's statute requires that the protection order state that the protected party cannot consent to contact with the subject of the order and cannot be arrested for violating the order.

New Mexico tackled the enforcement of protection orders from other jurisdictions with legislation that requires protection orders issued by another jurisdiction to be enforced as though they were issued by a New Mexico court, even when provisions in the order are not permitted under New Mexico law. The New Mexico legislation also creates a process for registering foreign orders of protection with the state of New Mexico.



Several states expanded the penalties for violations of protective orders. New York extended to temporary protection orders the same remedies already available for violation of final orders of protection. New Mexico gave victims the right to any legal or equitable remedy for a violation, and Arkansas increased the fine imposed for a violation, from \$5,000.00 to \$10,000.00. South Dakota also passed laws making the violation of a protection order by stalking a felony and designating the violation of an order of protection from a foreign jurisdiction as a crime. Vermont made an assault that violates a protection order a second-degree assault and also passed a law clarifying that an order of protection against stalking or sexual assault remains in effect pending any appeals. Texas increased penalties for repeated protection order violations.

Stalking

Stalking remained a priority in state legislatures in 2013, with 10 states passing new provisions related to stalking. In addition to the Stalker Liability Act (Arkansas) and a civil stalking protection order (Washington), seven states and the Virgin Islands passed legislation addressing stalking behavior. Washington State specified stalking as an aggravating circumstance to a crime, expanded the scope of conduct that constitutes felony stalking, and created a procedure for imposing a stalking order of protection during a criminal trial on stalking charges. Virginia passed legislation making repeated incidents of stalking a felony offense and declaring the intentional deceptive use of electronic tracking a stalking

crime. Texas expanded the definition of stalking, while the Virgin Islands passed legislation defining and outlawing cyber-stalking. Colorado added stalking and harassment to the definition of domestic abuse and empowered courts to issue emergency protective orders against stalking. Louisiana and Nevada both added stalking to their military criminal codes, while South Dakota passed a law making stalking a violation of a protection order. South Carolina clarified criminal penalties for stalking and established penalties for stalking in violation of an order of protection.

Victim Confidentiality

Signaling recognition of the crucial role that confidentiality plays in keeping victims of abuse safe, 12 states took measures to safeguard their privacy. Kentucky created an address protection plan for domestic violence victims, while Minnesota expanded eligibility for its existing program. Two states (Maine and New Hampshire) instituted protections for the health care records of abuse victims. Indiana and Texas imposed restrictions on access to victims' addresses through appraisal or other public property records. Rhode Island passed a law requiring insurance companies to develop and adhere to written policies for protecting the safety and privacy of abuse victims and to distribute these policies to employees and insurance professionals. A new Tennessee law requires utilities and all government entities to treat the addresses of domestic violence shelters as confidential. Texas instituted a procedure for preserving the confidentiality of protected persons who become parties to guardianship proceedings.



Three states addressed the vulnerability of information in protective orders. New York passed a law allowing applicants for firearms licenses to request that their information not be made public if the applicant has a protective order or can demonstrate a threat to his or her life. Public entities in New

Mexico are barred from publishing information on the Internet about the filing, issuance, or registration of a protection order. A new Arizona law clarifies that supplemental information required for the service of non-harassment orders is confidential.

Victims' Rights

Fourteen states and the District of Columbia introduced a range of measures to support safety and autonomy. Four states (California, Maryland, New

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Jersey, and Oregon) and the District of Columbia passed laws extending workplace protections to domestic violence victims. California and the District of Columbia passed laws prohibiting discrimination or retaliation against employees due to their status as victims of domestic violence. New Jersey and Oregon extended the workers' rights to unpaid leave for domestic violence-related matters, including medical care, counseling, safety planning, and court appearances.



Five states (Massachusetts, Nevada, Oklahoma, Virginia, and Washington) extended housing protections to victims, and four states (Massachusetts, Nevada, Oklahoma, and Virginia) permitted victims to terminate their leases due to circumstances related to domestic violence. California added victims of human trafficking to those eligible to take advantage of its statutory right to terminate a lease for reasons related to their victimization. Four states (Connecticut, Delaware, New York, and Rhode Island) passed laws prohibiting health insurance plans from finding people ineligible for coverage due to their status as victim of domestic violence.

Two states (Maryland and North Carolina) passed laws establishing domestic violence as good cause for departure from employment within the meaning of their unemployment statutes, which makes those who left jobs for reasons related to domestic violence eligible for unemployment benefits.

Civil Sanctions for Domestic Violence

A significant number of states imposed new civil sanctions for domestic violence, signaling increasingly innovative efforts to deter and punish abusers' violent behavior. The Arkansas Stalker Liability Act creates a civil cause of action for stalking, entitling a victim to recover actual and punitive damages, as well as attorneys' fees and court costs. Washington State created a Civil Stalking Protective Order for stalking victims who cannot meet the requirements for a domestic violence protection order.

In recognition of a particular threat posed by identity theft within familial and household relationships, a New York law now grants concurrent jurisdiction to the criminal and family (civil) courts over offenses of identity theft, larceny, and coercion involving household or family members.

Several states introduced new restrictions on the professional licensing of

individuals convicted of domestic violence crimes. Texas enacted legislation rendering anyone convicted of a domestic violence misdemeanor ineligible for any professional license if the conviction is reasonably related to the profession and is close in time to the application for the license. Texas also passed a law making a person who violates certain family violence court orders ineligible for a nursing license. Other sanctions for domestic violence convictions included prohibition on obtaining a bail enforcer license if the person is the subject of a protective order in any state (Oklahoma), loss of a license to operate facilities under the jurisdiction of the state health division (Nevada), prohibition on working as a process server (Utah), grounds for discipline of a peace officer (Oklahoma), and possible revocation, suspension, or a bar on renewal of a peace officer's license (North Dakota).

Custody and Visitation

State legislatures continued to grapple with the challenges of making appropriate and safe child custody determinations, especially in cases where there is domestic violence.



Colorado undertook extensive reforms to its custody laws. Reforms included creating a domestic violence protocol for custody decisions and requiring that the court establish the veracity of allegations of domestic violence or child abuse allegations before allocating decision-making responsibilities between parents. In any case where domestic violence is found, new Colorado laws require the court to order a domestic violence evaluation and to impose conditions on parenting time that account for the safety of the child, including requiring supervised visitation. Colorado also expanded the rights of children in matters related to parenting responsibility to include the right to reside in and visit homes free of domestic violence, child abuse, and neglect. Finally, Colorado took steps to broaden access to emergency custody determinations through the order of protection process. Nebraska passed similar, but less comprehensive, legislation that set forth requirements for fashioning court orders issued after contested custody hearings in which domestic violence was at issue.

Hawaii passed a law that establishes minimum qualifications for child custody evaluators and a procedure for filing complaints against these evaluators. Hawaii and Iowa both passed legislation limiting the parental

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rights of sex offenders. Iowa instituted laws that make a conviction for a sex offense a sufficient change in circumstance to warrant a change in custody and bar visitation between a parent convicted of a sex offense against a minor and that parent's child. Hawaii similarly barred custody or visitation between a child conceived through rape and the parent convicted of said rape.

New Mexico passed the Uniform Interstate Enforcement Act, which requires state courts and law enforcement to enforce the custody provisions in orders of protection issued by other states.



Three states (Nevada, North Carolina, and North Dakota) passed the Uniform Deployed Parents Custody and Visitation Act, which addressed custody and visitation issues that arise when one or both parents are deployed in the U.S. military. Missouri amended custody provisions for deployed parents, including a rebuttable presumption against delegation of their visitation rights (while deployed) to a family member with a history of domestic violence.

In what may signal an emerging trend, two states (New Mexico and Pennsylvania) instituted the Uniform Child Abduction Prevention Act, which sets forth procedures and legal standards for obtaining an abduction prevention order against a parent suspected of planning to abduct their children from the custodial parent.

Firearms

Firearms continue to be a focus of legislative action in this legislative session. Connecticut expanded requirements and clarified the procedures for the mandatory surrender of firearms in connection with protective orders and certain criminal convictions. Other Connecticut legislation created a new section in the protective order application forms for victims to indicate whether the abuser has firearms or ammunition. Connecticut also addressed ammunition, granting courts the power to order the seizure of ammunition and requiring defendants to inform the courts if they possess ammunition. New York passed laws requiring sentencing judges to demand the surrender of firearms and firearms licenses and empowering judges to suspend, revoke, or order the surrender of a firearms license when there is a danger the licensee will use the firearm against a party covered by an order

of protection. New York judges issuing protective orders must also, under a new law, make a determination about whether a defendant/respondent is entitled to keep a firearm license or a firearm. New York now also requires gun owners who live with a person they know or have reason to know is barred from gun possession to keep their weapons safe and secure.

Colorado imposed several new restrictions on firearms. One new law prohibits the possession or purchase of ammunition during the pendency of any protective orders issued in connection with certain domestic violence crimes. Another makes the possession of or the attempt to purchase a firearm or the failure to surrender a firearm during the pendency of a protective order a violation of that order.



Three states passed measures lowering the barriers to gun ownership for persons involved in domestic violence.

Oklahoma law now permits a person who is the subject of a permanent order of protection to obtain a six month temporary firearms license. Texas legislation lifted the prohibition on obtaining a gun license for persons with a domestic violence deferred adjudication that is more than 10 years old. North Dakota passed a law removing the requirement that an application for certain firearms licenses provide documentation of incidents of domestic violence in order to pass a background check.

Conditions of Release and Information Sharing

In continued recognition of the danger posed by the pre-trial release of domestic violence defendants, five states passed laws imposing conditions of release aimed at lessening the threat to victims. Under new Texas legislation, the violation of bond in a domestic violence case can now draw additional criminal charges as high as a felony. Colorado now permits courts to order domestic violence counseling as a condition of bond, while Kansas allows a batterers intervention program, and in Montana, judges may condition any bail release in a domestic violence case on sobriety monitoring. Arkansas requires the court to issue an order of protection upon the pre-trial release of a stalking defendant. Colorado requires a domestic violence defendant released on bond to acknowledge the protection order on the record.

Continuing a trend that emerged in 2012, a new Michigan law gives judges

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the option to order a domestic violence defendant to wear an electronic monitoring device that notifies victims when the defendant is in their proximity. In a trend that is likely to gain traction, four states (New York, Texas, Utah, and Washington) initiated measures to promote information sharing among public agencies about domestic violence interventions.



Texas passed three new laws in 2013 aimed at insuring that all agencies with the potential for interaction with a domestic violence defendant have accurate information about those defendants. New Texas legislation mandates that the state law enforcement information system include information about the bond conditions for any domestic violence defendant released on bail. In addition, Texas introduced a requirement that the clerk of any court issuing an order of protection transmit a copy of that order to the office of child support, if the defendant has an open case, and to the appropriate military headquarters for any defendant enlisted in state or U.S. armed forces. Utah took similar action in its new statutory scheme for dating violence protective orders, requiring that copies of all dating orders of protection be expeditiously transmitted to law enforcement electronically. New York passed a law granting corrections officers access to registries for orders of protection and warrants. Washington State enhanced its information-sharing practices between the Department of Social and Health Services and law enforcement in the wake of the high-profile murders of Brandon and Charlie Powell by their father during a supervised visit. Montana passed similar legislation, requiring its Department of Public Health and Human Services to share child abuse and neglect information with mandated reporters, the state attorney general, and county attorneys' offices. Legislation aimed at increased information sharing trend is expected to gather momentum in the coming years.

Our Appreciation

The NCJFCJ's Family Violence and Domestic Relations Program extends its sincere thanks to all the individuals and organizations who work to end domestic and family violence. Although we have made every effort to ensure the accuracy of this publication, we receive new information regularly. Please accept our apologies for errors and omissions. We would appreciate having these brought to our attention.

2013 STATE LEGISLATION*

STATE	DEFINITIONS	CRIMINAL PENALTIES AND PROCEDURES
ALABAMA		
ALASKA		X
ARIZONA		X
ARKANSAS		X
CALIFORNIA		X
COLORADO	X	X
CONNECTICUT		
DELAWARE		
DIST. OF COLUMBIA		
FLORIDA		X
GEORGIA		
GUAM		
HAWAII		X
IDAHO		
ILLINOIS		
INDIANA		
IOWA		X
KANSAS		X
KENTUCKY		
LOUISIANA		X
MAINE		
MARYLAND		
MASSACHUSETTS	X	
MICHIGAN		X
MINNESOTA		X
MISSISSIPPI	X	X
MISSOURI	X	
MONTANA	X	X

* This chart represents only legislation passed during the 2013 legislative sessions and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2013 STATE LEGISLATION*

FAMILIES AND CHILDREN	ORDERS FOR PROTECTION	PREVENTION AND TREATMENT	MISCELLANEOUS
X			
	X		
X	X		X
X	X		X
	X		X
X	X		
X	X		
			X
			X
			X
X	X		
X			
			X
X	X		
			X
			X
	X		X
			X
			X
			X
			X
X	X		X
X		X	

2013 STATE LEGISLATION*

STATE	DEFINITIONS	CRIMINAL PENALTIES AND PROCEDURES
NEBRASKA		X
NEVADA		X
NEW HAMPSHIRE		
NEW JERSEY		X
NEW MEXICO		
NEW YORK		X
NORTH CAROLINA		X
NORTH DAKOTA		X
NORTHERN MARIANA ISLANDS		
OHIO		
OKLAHOMA		
OREGON		X
PENNSYLVANIA	X	X
PUERTO RICO		
RHODE ISLAND		
SOUTH CAROLINA		X
SOUTH DAKOTA		
TENNESSEE		
TEXAS		X
U.S. VIRGIN ISLANDS		X
UTAH	X	X
VERMONT		X
VIRGINIA		X
WASHINGTON		X
WEST VIRGINIA		
WISCONSIN		
WYOMING		

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2013 STATE LEGISLATION*

FAMILIES AND CHILDREN	ORDERS FOR PROTECTION	PREVENTION AND TREATMENT	MISCELLANEOUS
X		X	X
X	X	X	X
	X		X
		X	X
X	X		X
	X		X
X	X	X	X
X			X
	X	X	X
			X
X			X
	X		X
X	X	X	X
X			X
	X	X	X
	X		X
	X		X
X	X		X
		X	X

2013 STATE LEGISLATIVE TRENDS*

STATE	ORDERS FOR PROTECTION	STALKING
ALABAMA		
ALASKA	X	
ARIZONA	X	
ARKANSAS	X	X
CALIFORNIA	X	
COLORADO	X	X
CONNECTICUT	X	
DELAWARE		
DIST. OF COLUMBIA		
FLORIDA		
GEORGIA	X	
GUAM		
HAWAII		
IDAHO		
ILLINOIS		
INDIANA		
IOWA	X	
KANSAS		
KENTUCKY		
LOUISIANA		X
MAINE	X	
MARYLAND		
MASSACHUSETTS		
MICHIGAN		
MINNESOTA		
MISSISSIPPI		
MISSOURI	X	

* This chart represents legislation which was passed during the 2013 legislative sessions only and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2013 STATE LEGISLATIVE TRENDS*

VICTIM CONFIDENTIALITY	VICTIMS' RIGHTS	CIVIL SANCTIONS FOR DOMESTIC VIOLENCE	CUSTODY AND VISITATION	FIREARMS
X		X		
	X			
			X	X
	X			X
	X			
	X			
			X	
X				
			X	
X				
	X			
	X			
X				
X			X	

2013 STATE LEGISLATIVE TRENDS*

STATE	ORDERS FOR PROTECTION	STALKING
MONTANA		
NEBRASKA	X	
NEVADA	X	X
NEW HAMPSHIRE	X	
NEW JERSEY		
NEW MEXICO	X	
NEW YORK	X	
NORTH CAROLINA	X	
NORTH DAKOTA		
NORTHERN MARIANA ISLANDS		
OHIO		
OKLAHOMA	X	
OREGON		
PENNSYLVANIA		
PUERTO RICO		
RHODE ISLAND		
SOUTH CAROLINA		X
SOUTH DAKOTA	X	X
TENNESSEE		
TEXAS	X	X
U.S. VIRGIN ISLANDS		X
UTAH	X	
VERMONT	X	
VIRGINIA	X	X
WASHINGTON	X	X
WEST VIRGINIA		
WISCONSIN		
WYOMING		

* This chart represents legislation which was passed during the 2013 legislative sessions only and includes some states' continuing efforts in these subject areas. It is not a cumulative chart and does not include laws enacted in prior legislative sessions.

2013 STATE LEGISLATIVE TRENDS*

VICTIM CONFIDENTIALITY	VICTIMS' RIGHTS	CIVIL SANCTIONS FOR DOMESTIC VIOLENCE	CUSTODY AND VISITATION	FIREARMS
			X	
	X	X	X	
X				
	X			
X			X	
X	X	X		X
	X		X	
		X	X	X
	X	X		X
	X			
			X	
X	X			
X				
X		X		X
		X		
	X			
	X	X		

ALABAMA



LEGISLATIVE SESSION:

Annual. The regular session convened on February 5, 2013, and adjourned on May 20, 2013.

FAMILIES AND CHILDREN:

§ 2013-355 adopts the Alabama Uniform Collaborative Law Act, creating a process for resolution of certain family law matters, including custody and visitation. The law requires practitioners to make a reasonable inquiry into whether the parties have been in a coercive or violent relationship. It further prohibits attorneys from beginning or continuing a collaborative law process unless they reasonably believe the safety of the party or prospective party can be protected during the collaborative law process. Additional provisions permit a tribunal to issue emergency orders in a collaborative law process to protect the interests of a party or a child of a party and explicitly impose on attorneys the obligation to report any suspected abuse, neglect, abandonment, or exploitation of a child or adult.*

* Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.



LEGISLATIVE SESSION:

Annual. The regular session on convened January 18, 2013, and adjourned on April 19, 2013. Each year the regular session is limited to 90 days.

CRIMINAL PENALTIES AND PROCEDURES:

§ 11.41.432 is amended to add sexual assault in the fourth degree to the list of offenses for which it is an affirmative defense that the offender is: (1) mentally incapable or (2) married to the victim and neither party has filed with the court for separation, divorce, or dissolution of the marriage.*

§ 11.56.750 is amended to clarify that unlawful contact occurs when a person has been ordered by the court, as part of a sentence or as a condition of release on probation or parole, not to contact a victim or witness of an offense.

§ 12.30.016 is amended to give a judicial officer discretion to order a person charged with stalking, not involved with domestic violence, to submit to electronic monitoring.

§ 12.30.027 is amended to allow a judicial officer to impose additional conditions on a person convicted of a crime involving domestic violence, including ordering electronic monitoring; restricting travel, association, or residence; barring contact with the victim directly or indirectly; prohibiting possession of a deadly weapon; and prohibiting the consumption or possession of alcoholic beverages or controlled substances.

§ 12.30.027 is amended to require persons arrested for violating a condition of release, in connection with a crime involving domestic violence, to appear before a judicial officer for arraignment before being released.

ORDERS FOR PROTECTION:

§ 18.65.865 is amended to require the court system to prepare forms for protective orders, which must have a boldface warning that violating a protective order is a misdemeanor punishable by up to a year of incarceration and a fine of up to \$10,000.00.

§ 18.66.130 is amended to increase the potential fine for violation of a protective order from \$5,000.00 to \$10,000.00.

* Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2013, and adjourned on June 14, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13-601 is amended to limit application of the mandatory domestic violence arrest provision to persons “at least fifteen years of age.”

FAMILIES AND CHILDREN:

§ 25-407 is amended to require the court to hold an evidentiary hearing within 60 days of filing any motion for temporary parenting time or decision-making orders. The amendment further creates exceptions to the 60-day rule where: 1) the filing party waives the requirement, 2) temporary orders are established through a separate conference or hearing within 60 days of the filing, or 3) the court is unable to schedule a hearing within 60 days due to extraordinary circumstances.

ORDERS FOR PROTECTION:

§§ 12-1809, 12-1810, and 13-3602 are amended to make the supplemental information form used for the purposes of service of a non-harassment order on a defendant confidential.

MISCELLANEOUS:

§ 46-456 is amended to further define when use of a vulnerable adult’s assets are impermissibly or presumptively used for the benefit of a person in a position of trust and to expand penalties for violating such a position of trust and confidence.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2013, and adjourned on May 17, 2013. The special session convened on October 17, 2013, and adjourned on October 19, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 5-2-615, The Pregnant Women’s Protection Act, was passed in recognition of the heightened risk of women being victimized by violence and abuse during pregnancy. The new law permits a pregnant woman to use physical, even deadly, force against another person to protect her unborn child if she reasonably believes the child is threatened.

§ 5-26-306 is amended to expand the acts that constitute aggravated assault on a household or family member to include:

- displaying a firearm in a manner that creates a substantial danger of death or serious injury; and
- impeding or preventing the respiration or circulation of a household member by applying pressure on the throat or neck or by blocking the nose or mouth.

§ 5-26-303 is amended to elevate the seriousness of a felony conviction for domestic battery in the first degree when the defendant has committed any domestic battering offense or violated an equivalent penal law in Arkansas or another state or foreign jurisdiction in the previous five years.

§ 5-26-304 is amended to elevate the seriousness of a felony conviction for domestic battery in the second degree when the defendant has committed any battering offense, or violated or an equivalent penal law in Arkansas or another state or foreign jurisdiction in the previous five years. The statute is further amended to provide for elevating the felony level if the defendant has committed two or more battery offenses against a family or household member as defined by Arkansas law or the law of any other state or foreign jurisdiction within the previous 10 years.

§ 5-26-305 is amended to elevate the seriousness of a felony conviction for domestic battery in the third degree when the defendant has committed any domestic battery offense, aggravated assault on a family or household member, or violated an equivalent penal law of Arkansas or another state or foreign jurisdiction in the previous five years.

§ 5-71-229 is amended to:

- add the crime of stalking in the third degree and classifying such as a Class A misdemeanor;
- require that upon pretrial release of a defendant accused of third-degree stalking, the court issue a no-contact order, which remains in effect during any appeal if the defendant is ultimately convicted;
- change the definition of criminal intent for stalking from “purposely” to “knowingly”;
- change the definition of the act of stalking to “engaging in a course of conduct that would place a reasonable person in the victim’s position under emotional distress and in fear for his or her safety or a third person’s safety”; and
- redefine “course of conduct” to include a pattern of direct or indirect actions, actions through a third party or devise, following, surveilling, threatening, or interfering with property.
- removes the defense of actual notice for the offense of stalking.

§ 16-93-615 is amended to bar automatic parole eligibility for a person convicted of homicide and other serious violent crimes, including domestic battery in the first degree.

§ 16-10-305 is amended to impose a \$25.00 fee for each conviction of an offense involving domestic violence. The funds will be directed to the state’s Fund for Domestic Peace.

FAMILIES AND CHILDREN:

§ 9-13-101 is amended to articulate Arkansas’s preference for joint custody. The statute is further amended to permit the court to

change a joint custody order where it finds by a preponderance of the evidence that a parent has willfully created conflict to disrupt a joint-custody arrangement.*

§ 9-10-121 is a new section amending the law to terminate automatically the rights of a parent convicted of rape, to a child conceived as a result of such rape, and maintains the child's right to child support and inheritance from the convicted parent.

ORDERS FOR PROTECTION:

§ 5-4-106 is enacted to permit the issuance of an extended, post-conviction no-contact order on behalf of victims and family members of victims of serious violent crimes, including homicide, rape, and domestic battery in the first and second degrees. Extended no-contact orders can be issued for the lifespan of the defendant.

MISCELLANEOUS:

§ 16-127-102, The Stalker Liability Act, creates a civil cause of action for stalking for which a victim may recover actual and punitive damages, attorneys' fees, and court costs.

LEGISLATIVE SESSION:

Biennial. The legislature convened on December 3, 2012, and adjourned on September 13, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 136.2 of the Penal Code is amended to require the court to consider imposing a protective order on a defendant convicted of certain sex crimes, including rape and spousal rape.

§ 166 of the Penal Code is amended to provide that a willful and knowing violation of a protective order issued against a person convicted of certain sex crimes, including spousal rape, constitutes contempt of court, which is a misdemeanor, punishable by imprisonment of not more than one year, a fine of \$1,000, or both.

§ 273.5 of the Penal Code is amended to expand the scope of a domestic violence crime to include the willful infliction of corporal injury resulting in a traumatic condition on a current or former fiancé/ée and on dating partners.

§ 868.5 of the Penal Code is amended to permit prosecution witnesses for the crimes of criminal threats or stalking to have up to two persons of their choosing attend the court proceedings at which the victim/witness testifies to support them during their testimony.

ORDERS FOR PROTECTION:

§ 527.6 of the Code of Civil Procedure is amended to increase the maximum term of a temporary restraining order or an injunction against harassment from three years to five years. The section is further amended to permit such an order to be renewed for an additional five-year period.

§ 6325.5 is added to the Family Code to authorize a court, in a domestic violence proceeding, to issue an *ex parte* order restraining any party from cashing, borrowing against, cancelling, transferring, disposing of, or changing beneficiaries of any insurance or other coverage held for the benefit of the parties or their offspring, for whom the court may order financial support.

§ 3100 of the Family Code is amended to require that a no-contact order take precedence in enforcement when more than one protective or restraining order has been issued, provided that none of the orders are emergency protective orders, which take precedence over any non-emergency restraining or protective orders.

§ 6320 of the Family Code is amended to authorize a court to issue an *ex parte* order enjoining a party from credibly impersonating or falsely impersonating another party, thereby expanding the definition of abuse under the Family Code to include the act of false impersonation.

§ 6271 of the Family Code is amended to remove the requirement that law enforcement officers who request an order of protection carry a copy of such order when they are on duty and requires, instead, that a restraining order issued to a law enforcement officer be entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

§ 13701 of the Penal Code is amended to make it discretionary, rather than mandatory, that all law enforcement agencies in the state develop, adopt, and implement written policies and standards for officers' responses to domestic violence.

MISCELLANEOUS:

§§ 230 and 230.1 of the Labor Code are amended to create a right for domestic violence and stalking victims to “reasonable accommodations” in the workplace and to include domestic violence and stalking victims on the list of those employees protected from discharge, discrimination, or retaliation by an employer’s discovery of their status.

§ 230.5 of the Labor Code is amended to prohibit an employer from discharging, discriminating, or retaliating against employees who are victims of domestic violence for taking time off from work to appear in court to be heard at any proceeding related to their victimization.

§ 1946.7 of the Civil Code is amended to add victims of human trafficking to the list of persons authorized to quit their rented property upon written notice and proof to their landlord of their victim status and of their intent to quit the property. The law is further amended to include statements by a health practitioner, domestic violence counselor, sexual assault counselor, or human trafficking counselor as sufficient proof of victim status within the meaning of this statute. The law also prohibits a landlord from disclosing any information provided by the tenant to a third party.

§ 8105 of the Welfare and Institutions Code is amended to require a psychotherapist whose patient communicates a serious threat of physical violence against a reasonably identifiable victim to notify law enforcement of such threat within 24 hours.

§ 6206 of the Government Code is amended to designate agencies that serve victims of elder or dependent adult abuse as locations where victims may complete applications to make the Secretary of State their agent for service of process and to require that the Secretary of State identify and recruit agencies that assist victims of domestic violence and stalking.



LEGISLATIVE SESSION:

Annual. The regular session was convened January 9, 2013, and adjourned on May 7, 2013.

DEFINITIONS:

§ 13-14-100.2 is amended to add a legislative declaration that “domestic abuse” is not limited to physical threats of violence and harm but also includes mental and emotional abuse, financial control, document control, and property control.

§ 13-14-101 is amended to:

- expand the definition of domestic abuse to include stalking, harassment, or coercion and any attempted act of violence, stalking, harassment, or coercion;
- define coercion as “compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has the right or privilege to abstain, or to abstain from conduct in which the person has a right or privilege to engage”;
- define contact as “any interaction or communication with a person, directly or indirectly through a third party, and electronic and digital forms of communication, including, but not limited to, interaction or communication through social media”; and
- expand the definition of protection order to include an order that prohibits stalking, sexual assault, or abuse of a protected person and entering, remaining on, or coming within a specified distance of a protected person’s premises.

CRIMINAL PENALTIES AND PROCEDURES:

§ 16-4-105 is amended to:

- require, as a condition of releasing any person on bond, that defendants acknowledge to the court the protection order issued in connection with the domestic violence crime of which they are accused; and
- permit the court to impose domestic violence counseling as a condition of a release on bond if the defendant consents to the counseling.

§ 18-1.3-101 is amended to make any person accused of an offense where the underlying factual basis involves domestic violence ineligible for a diversion program unless certain conditions are met.

§ 19-1-306 is amended to prevent expunging the juvenile delinquency record of a person who was adjudicated a delinquent for any felony or misdemeanor offense involving domestic violence.

FAMILIES AND CHILDREN:

§ 14-2-310 is amended to make unenforceable any provision of a premarital or marital agreement that limits a remedy available to a victim of domestic violence.

§ 14-10-123.4 is amended to expand the rights of children in matters relating to parental responsibilities to include:

- the right to be emotionally, mentally, and physically safe when in the care of either parent; and
- the right to reside in and visit homes that are free of domestic violence and child abuse or neglect.

§ 14-10-124 is amended to:

- add the legislative finding that although co-parenting is not always appropriate, it is, in most circumstances, in the best interest of all parties to a legal separation or dissolution of marriage to encourage co-parenting when appropriate;*
- establish the veracity of allegations of domestic violence or child abuse or neglect prior to allocating decision-making responsibility between parents;
- require the court to assess the veracity of allegations of domestic violence or child abuse or neglect using a preponderance of the evidence standard;
- require the court to find that it is not in the best interests of the child to allocate mutual decision-making in cases where one party has engaged in domestic violence or child abuse or neglect;
- declare that where the court finds by a preponderance of the evidence that one party committed child abuse or neglect or domestic violence, the court shall consider the safety and well-

- being of the child and the abused parent as its primary concern; and
- require that where one party is found to have engaged in child abuse or neglect or domestic violence, the court must consider conditions on parenting time that ensure the safety of the child and the abused parent, including, but not limited to, an order limiting contact between the parties, requiring the exchange of the child be in a protected setting, requiring supervised parenting time, restricting overnight parenting time, restricting the alcohol or controlled substance use of a party who has committed domestic violence or child abuse or neglect, or requiring the party who has committed domestic violence to submit to a domestic violence evaluation, engage in treatment, and pay for such treatment.

§ 14-10-129 is amended to require a court to consider, when determining whether to modify a parenting time order, whether a party has committed or engaged in a pattern of domestic violence and whether such violence occurred before the original parenting time order.

§§ 101-116 creates Article 15 of Title 14, the Colorado Civil Union Act, to:

- extend the law of domestic relations, including child custody, child support, allocation of parental responsibilities, and parenting time, to civil unions; and
- extend the protections of domestic abuse programs and emergency protection orders to civil unions.

ORDERS FOR PROTECTION:

§ 13-14-103 is amended to expand the acts that an emergency protection order may restrain a party from engaging in to include: contacting, harassing, injuring, intimidating, touching, stalking, sexually assaulting, or abusing.

§ 13-14-104.5 is added to clarify and expand eligibility for an emergency protection order. A petitioner no longer must show that he or she has reported an act that is the subject of their complaint to

the police, charges have been filed, or he or she is participating in the prosecution of a criminal matter. In addition, the court cannot deny a request for a protective order because of the amount of time between an act of abuse or threat and the petition for a protective order.

§ 13-14-105 is amended to:

- increase the maximum term of a provision in an emergency protective order awarding temporary care and control of any minor children from 120 days to one year;
- permit the court to restrain a party from interfering with protected persons at their place of employment or education;
- permit the court to enjoin a party from ceasing to make payments for mortgage or rent, insurance, transportation, medical care, or child care; and
- permit the court to grant a temporary civil protection order even where there is no finding of imminent danger to the person seeking the order.

§ 13-14-105.5 is added to require that an order issued under this section prohibit the possession or purchase of any firearm or ammunition during the duration of the order.

§ 18-1-1001 is amended to require that an order issued under this section bar the possession or purchase of any firearm or ammunition during the duration of the protective order.

§ 18-6-801 is amended to bar any defendant convicted of certain domestic violence crimes from possessing or purchasing any firearm or ammunition for the duration of the protective order.

COLORADO

§ 18-6-803.5 is amended to add that a person who is the subject of a protective order and (1) possesses or attempts to purchase or receive a firearm or ammunition while the order is in effect or (2) fails to file timely a receipt or written statement with the court, proving a firearm was transferred or sold to a private party or licensed gun dealer, is in violation of that protective order.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.



CONNECTICUT

LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on June 5, 2013.

FAMILIES AND CHILDREN:

§ 46b-38c is amended to require that the Judicial Department establish an ongoing training program for guardians *ad litem* on the function of the court system's family violence intervention units and the use of protective orders.

§ 46b-36f is added to permit a person seeking custody of a child to apply to the court for an emergency *ex parte* custody order when he or she believes there is an immediate and present risk of physical danger or psychological harm to the child.

ORDERS FOR PROTECTION:

§ 29-36n is amended to extend the protocol for the transfer and surrender of firearms by people who become ineligible to possess them to include "other firearms" and to require that any person ineligible by virtue of a protective order make advance arrangements with law enforcement agencies for the surrender of their firearms.

§ 46b-15 is amended to:

- provide that where a hearing on an *ex parte* restraining order is set for a day that the court is closed, the hearing must take place on the court's next open day, and the *ex parte* restraining order at issue remains valid until the hearing; and
- require that the application for a protection order include a space for the victim to indicate whether an offender possesses ammunition.

§ 29-38c is amended to permit police to seize ammunition under the same circumstances as they can seize firearms when investigating domestic violence.

§ 46b-38c is amended to require family violence intervention units to inform the court if a domestic violence victim indicates that a defendant possesses ammunition.

DELAWARE



LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on June 30, 2013.

MISCELLANEOUS:

18 § 3571M is created to prohibit discrimination by health insurance plans against individuals and beneficiaries based on health status, including conditions arising out of domestic violence that impact insurability.



DIST. OF COLUMBIA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 2, 2013, and adjourned on December 31, 2013.

MISCELLANEOUS:

§ 2-1401.02 is amended to extend protections against employment discrimination to victims and family members of victims of domestic violence, sexual abuse, and stalking.



LEGISLATIVE SESSION:

Annual. The regular session convened on March 5, 2013, and adjourned on May 3, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 1006.147 is amended to expand the prohibition on bullying to include cyberbullying, defined as the use of any technology or electronic device, regardless of its location or ownership, to inflict systematically and chronically physical hurt or psychological distress on a student of a K-12 public institution.

MISCELLANEOUS:

§ 1002.81 is amended to define a child who is living in a domestic violence center with a parent who is the victim of domestic violence as “at risk” within the meaning of the school-readiness statute.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2013, and adjourned on April 4, 2013.

FAMILIES AND CHILDREN:

§ 15-11-20 is amended to require a court to consider the state guidelines for mediating cases involving domestic or family violence when referring any juvenile proceeding to mediation.

§ 15-11-26 is amended to require courts to consider and evaluate any evidence of family violence or physical, mental, or sexual abuse of a child in determining the child's best interests.

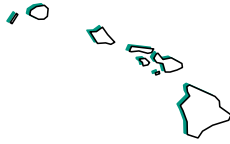
§ 15-11-29 is amended to allow courts to make orders restraining or otherwise controlling the conduct of a person in any juvenile proceedings, including requiring the person to stay away from a child.

§ 15-11-105 is amended to require a guardian *ad litem* to consider evidence of domestic violence in any current, past, or considered home for a child in determining that child's best interest.

ORDERS FOR PROTECTION:

§ 16-5-95 is amended to:

- define a family violence order as a protective order issued pursuant to the civil code;
- define a criminal family violence order as any pretrial release order for a family violence arrest or any probation order issued as a result of a conviction for an act of family violence;
- define family violence as the occurrence of one or more acts of battery, assault, stalking, criminal damage to property, unlawful restraint, criminal trespass, or any felony act between past or present spouses, parents of the same child, parents and children, foster parents and foster children, or other persons living or formerly living in the same household; and
- permit law enforcement to arrest a person who violates a stay-away condition of bond or probation without seeking to revoke the bond or probation first.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 16, 2013, and adjourned on May 2, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 571-46 is amended to prohibit the court from ordering custody or visitation of a child conceived as a result of a rape or sexual assault to the child's natural parent who was convicted of committing said rape or sexual assault.

FAMILIES AND CHILDREN:

§ 571 is created to set forth qualifications for child custody evaluators, require the judiciary to maintain a registry of qualified evaluators for custody proceedings, and establish a process for filing complaints against court-appointed child custody evaluators.



INDIANA

LEGISLATIVE SESSION:

Annual. The regular session convened January, 7, 2013, and adjourned on April 29, 2013.

MISCELLANEOUS:

§ 36-1-8.5 is created to provide for a system of restricting access to the addresses of victims of domestic violence through public property listings. The statute defines a victim of domestic violence as a person who is participating in the address confidentiality program created by Indiana's attorney general.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2013, and adjourned on May 3, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 907.3 is amended to bar a court from granting a criminal defendant a deferred judgment or sentence if such defendant has previously received a deferred judgment or sentence on a domestic abuse assault in Iowa or received substantially similar relief in any U.S. jurisdiction for a domestic abuse assault.

FAMILIES AND CHILDREN:

§ 598.41A is amended to:

- declare that a parent's sex offense conviction is a substantial change in circumstance within the meaning of Iowa's custody law;
- prohibit visitation between a parent convicted of a sex offense against a minor and that parent's own minor child while the parent is incarcerated; and
- prohibit visitation between such parent and any of the parent's minor children while the parent is on any form of conditional release from incarceration until such parent successfully completes a treatment program approved by the court.

ORDERS FOR PROTECTION:

§ 236.3 is amended to permit law enforcement to effectuate service of an order for protection using a short-form notification, whereupon the person served is required to obtain a full copy of the order of protection from the court.

LEGISLATIVE SESSION:

Annual. The regular session convened on January 14, 2013, and adjourned on June 20, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 21-6604 is amended to require that any person convicted of a domestic violence offense undergo an assessment by a certified batterer intervention program and follow up with all recommendations of said program.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on March 21, 2013.

MISCELLANEOUS:

§§ 1-10 are added to Chapter 14 of Kentucky Revised Statutes to create an address protection program for victims of domestic violence and stalking, including provisions to permit program participants to use an address provided by the Secretary of State in lieu of a physical address and to vote by mail-in absentee ballot.

§ 346.130 is amended to exempt victims of domestic violence from being denied or receiving reduced awards from the Crime Victims Compensation Board for failing to cooperate with law enforcement.



LEGISLATIVE SESSION:

Annual. The regular session convened on April 8, 2013, and adjourned on June 6, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13:5355 is enacted to prohibit any person convicted of criminal sexual assault or stalking from participating in the state's mental health treatment court program.

§ 14:35:3 is amended to add the act of burning a person's flesh to the acts that constitute domestic abuse battery and to define the term "severe bodily injury." The statute is further amended to provide that any domestic abuse burning that causes severe bodily injury is classified as a crime of violence and mandates a sentence of hard labor for five to 50 years.

MISCELLANEOUS:

§ 29:220 is enacted to create the crimes of sexual assault, stalking, and other sexual misconduct in the Code of Military Justice. The act defines stalking to include a course of conduct that induces reasonable fear of death or bodily harm in a person or a member of that person's immediate family.



LEGISLATIVE SESSION:

Annual. The regular session convened on December 5, 2012, and adjourned on June 19, 2013.

ORDERS FOR PROTECTION:

§§ 4006 and 4007 of Title 19-A are enacted to authorize courts to issue protection from abuse orders concerning the care, custody, or control of any animal owned by either party or a minor child in the household. The orders may direct the defendant to refrain from injuring or threatening to injure any animal owned by either party or a minor child in the household.

MISCELLANEOUS:

§ 1711-C of Title 22 is amended to require that health care practitioners providing diagnosis and treatment to a domestic violence victim adhere to federal regulations when making disclosures to public health or law enforcement officials about that victim.

§§ 3831 and 3835 of Title 32 are amended to require that, beginning January 1, 2020, candidates for renewal or initial licensure as a psychologist must prove they have completed a minimum of three hours of course work in family or intimate partner violence that addressed screening, referral, and intervention strategies.

§ 7053 of Title 32 is amended to require that, beginning January 1, 2020, candidates for renewal or initial licensure as a licensed clinical social worker demonstrate completion of 12 hours of course work in intimate partner violence that addressed screening, referral, and intervention strategies.

**LEGISLATIVE SESSION:**

Annual. The regular session convened on January 9, 2013, and adjourned on April 8, 2013.

MISCELLANEOUS:

§ 8-611 is amended to prohibit the unemployment insurance system from prorating a claimant's benefits if that claimant left their employment for good cause directly attributable to domestic violence against the claimant, their spouse, or minor child.

§ 5-318.1 is enacted to create a pilot program to encourage relationship stability. This program exempts the involvement of any person whom the administering agency has a reason to believe has a history of domestic violence.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 2, 2013, and adjourned on December 31, 2013.

DEFINITIONS:

§ 23 is added to Chapter 186 of the General Laws to define domestic violence, for the purposes of housing protections for victims, as attempting to cause or causing physical harm, placing another in fear of imminent serious physical harm, or causing another to engage involuntarily in sexual relations by force, threat, or duress.

MISCELLANEOUS:

§§ 23-29 of Chapter 186 of the General Laws are amended to allow rental tenants who are victims of domestic violence, rape, sexual assault, or stalking to terminate their leases early if they are in reasonable fear of imminent serious physical harm related to their victimization.



MICHIGAN

LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on December 31, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 600.1098 is enacted to limit the authority of the state's newly created mental health courts to order a discharge or dismissal of a domestic violence offense when an offender successfully completes the conditions of a mental health court program.

§ 765.6b is amended to expand the authority of courts to impose the condition of pre-trial monitoring by global positioning device on any defendant charged with any assaultive crime. The provision had previously applied only to defendants charged with a crime involving domestic violence.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on May 20, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 518B.01 is amended to permit the prosecution of a violation of an order of protection to be venued in the jurisdiction:

- where a call or electronic communication is made or received;
- where the actor or the victim resides; or
- of the victim’s designated address, if the victim participates in the state’s address confidentiality program.

§ 629.75 is amended to permit the prosecution of any qualified domestic violence-related offense to be venued in the jurisdiction:

- where a call or electronic communication is made or received;
- where the actor or the victim resides; or
- of the victim’s designated address, if the victim participates in the state’s address confidentiality program.

MISCELLANEOUS:

§ 5B.02 is amended to expand the definition of an “eligible person” entitled to protection through the state’s address confidentiality program for victims of violence to include persons who fear for the safety of another person in their household. The statute is also amended to require that an “eligible person” must reside in the state.

§ 5B.05 is amended to state that a participant in the address confidentiality program cannot be required to submit any information that could be used to physically locate that participant and to prohibit any person from knowingly disclosing a program participant’s name, home address, work address, or school address without written consent of the program participant.

§ 13.045 is amended to update protocols for participants in the state’s address confidentiality program to notify government entities of their certification, to add exceptions to the requirement that government entities not share program participants’ information, to restrict access to program participants’ real property records and data, and to establish a procedure for service of process by a government agency on a program participant.



MISSISSIPPI

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on April 7, 2013.

DEFINITIONS:

§ 97-3-7 is amended to:

- define domestic violence as certain acts committed against a spouse or former spouse, person living or formerly living as a spouse, parent, grandparent, child, or grandchild;
- define the acts that constitute aggravated domestic violence as attempting to cause or causing serious bodily injury under circumstances manifesting extreme indifference to human life, attempting to cause bodily injury with a deadly weapon, or strangling or attempting to strangle; and
- expand the definition of the acts that constitute simple domestic violence to include negligently causing injury or physically menacing to put another in fear of imminent or serious bodily injury.

CRIMINAL PENALTIES AND PROCEDURES:

§ 97-3-7 is amended to establish a mandatory sentence for a conviction of simple domestic violence of a \$500.00 fine or not more than six (6) months in county jail. A third conviction for simple domestic violence constitutes a felony, with a mandatory sentence of not less than five and not more than 10 years imprisonment.

§ 99-1-5 is amended to clarify that there is no statute of limitations for prosecuting the offense of aggravated domestic violence.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on May 30, 2013. The special session convened on December 2, 2013, and adjourned on December 6, 2013.

DEFINITIONS:

§ 455.010 is amended to define domestic violence as abuse or stalking committed by a family or household member.

FAMILIES AND CHILDREN:

§ 452.413 is enacted to:

- permit deploying parents to delegate their visitation rights to other family members;
- establish a rebuttable presumption against delegation of visitation rights by a deploying parent to a family member with a history of committing domestic violence; and
- exempt a parent who has an order of protection in effect against a deployed parent from the requirement that they disclose their address (except to the court).

ORDERS FOR PROTECTION:

§ 455.032 is amended to include “committing or threatening to commit domestic violence, stalking, molesting, or disturbing the peace of the petitioner” as conduct a restraining order can bar.

§ 455.035 is amended to: (1) substitute the term “domestic violence” for the term “abuse” and (2) permit the court to issue an *ex parte* order of protection on behalf of a child who is in immediate and present danger of domestic violence.

§ 455.040 is amended to clarify that service of *ex parte* and full orders of protection have priority over non-emergency actions.

§ 455.035 is amended to require that a custodial parent, guardian, or guardian who is served with notice of an *ex parte* protection order against a juvenile respondent bring that juvenile to court for proceedings related to the protection order petition.

§ 455.040 is amended to clarify that a judge is not mandated to issue an order of protection after a hearing if the respondent has shown that the actions alleged were lawful and not domestic violence. The change was in response to an appellate court decision in which a respondent's actions were determined to be lawful self-defense.

§ 455.060 is amended to permit a court to review a motion to dismiss a protection order petition without a hearing if the judge inquires into whether the petitioner is being coerced into seeking a dismissal.

§ 571.104 is amended to require that persons subject to a full order of protection, arrest warrant, commitment, or a court order in a criminal proceeding surrender their concealed weapons permit.

MISCELLANEOUS:

§ 527.290.2 is amended to add the state's electronic court record system to a provision that prevents public notice of name changes when the person whose name is changed is a victim of domestic violence.

§ 571.101 is amended to make applicants who have entered an Alford plea, pleaded no contest, or pleaded guilty to a crime punishable by two years eligible for a concealed weapons permit. The statute previously barred license eligibility for crimes punishable by one year.*

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have



LEGISLATIVE SESSION:

Biennial. The regular session convened on January 7, 2013, and adjourned on April 24, 2013.

DEFINITIONS:

§ 45-5-206 is amended to omit the words “with a person of the opposite sex” in defining partners for the purposes of Montana’s partner/family member assault laws.

CRIMINAL PENALTIES AND PROCEDURES:

§ 44-4-1205 is amended to allow a court, board of pardons, or department of corrections to make participation in the 24/7 Sobriety and Drug Monitoring Program a condition of bond or pretrial release, suspended execution of sentence, probation, parole, or conditional release for individuals charged with or convicted of violating any domestic abuse or abuse or neglect of a minor statutes if the abuse of alcohol or dangerous drugs was a contributing factor in the commission of the crime.

§ 45-5-102 is amended to expand the crime of deliberate homicide to include a person who “purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant.”*

§ 45-5-103 is amended to expand the crime of mitigated deliberate homicide to include a person who “purposely or knowingly causes the death of a fetus of another with knowledge that the woman is pregnant, but does so under the influence of extreme mental or emotional stress for which there is a reasonable explanation or excuse.”*

§ 45-5-206 is amended to clarify what constitutes a prior conviction for the purposes of sentencing/punishment for the offense of partner or family member assaults to include:

- convictions from other states where the offense involves similar conduct that is prohibited under Montana’s aggravated assault, assault with a weapon, or partner or family member assault statutes, regardless of what the offense is named or whether it is a misdemeanor or felony; and

- convictions for aggravated assault and assault with a deadly weapon when the offender is a partner or a family member of the victim.

FAMILIES AND CHILDREN:

§ 40-4-219 is amended to clarify the circumstances in which a court may order mediation to resolve amended parenting plan disputes. Specifically, courts may now exclude cases of sexual or emotional abuse or threat of sexual or emotional abuse by one parent against the other parent or child from mediation.

§ 40-4-301 is amended to require courts to obtain the written, informed consent of parties before authorizing or permitting continuation of mediation if the court has reason to suspect that one of the parties or a child of a party has been physically, sexually, or emotionally abused by the other party; to allow for mediators trained in mediating domestic violence cases to conduct the mediation; and to define informed consent as “an educated, competent, and voluntary choice to enter into mediation.”

§ 40-4-302 is amended to prohibit a mediator, in a family law mediation proceeding, from excluding attorneys from the mediation sessions in cases involving domestic violence. The amendment also allows for a victim to elect to have advocates and support persons, who are not attorneys, present during the mediation.

§ 40-4-307 is amended to include “knowledge in the area of domestic violence” as a minimum qualification for a mediator.

§ 41-3-205 is amended to expand the disclosure of information regarding child abuse and neglect that has been reported to the Department of Public Health and Human Services (DPHHS), upon request, to the attorney general, a county attorney or deputy county attorney of the county in which the alleged abuse or neglect occurred, or a peace officer in the jurisdiction in which the alleged abuse or neglect occurred. The section is further amended to require the DPHHS to disclose child abuse and neglect information to the aforementioned persons or to a county interdisciplinary child information team if the DPHHS receives a report indicating that any

of the following have occurred: the death of the child as a result of child abuse or neglect; a sexual offense against the child; exposure of the child to an actual and violent offense; or abuse or neglect due to exposure of the child to circumstances constituting the criminal manufacture or distribution of dangerous drugs.

PREVENTION AND TREATMENT:

§ 2-15-2017 is amended to clarify the duties and reporting requirements of the domestic violence fatality review commission. Specifically, the commission is required to review closed domestic homicide cases selected by the attorney general; to report its findings and recommendations to the law and justice interim committee, rather than the legislature as a whole; and to report its findings and recommendations prior to each legislative session.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on June 5, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 28-1009 is amended to allow a court to order that a person convicted of cruelly mistreating an animal not own, possess, or reside with any animal for a period of up to five years after the conviction. The amendment also allows a court to order that a person convicted of any subsequent offenses for cruelly mistreating an animal not own, possess, or reside with any animal for a period of up to at least five years, but no more than 15 years, after the conviction.

FAMILIES AND CHILDREN:

§ 43-2930, a statute relating to temporary custody proceedings, is amended to change the wording in the statute from “custodial parent” to “a parent who has physical custody of a child”.

PREVENTION AND TREATMENT:

§§ 71-3404 to 71-3411 are amended to create the Child and Maternal Death Review Act (Act) to provide for government review of maternal deaths, in addition to existing provisions for the review of child deaths.

§ 71-3409 is amended to require that the Child and Maternal Death Review Team identify the preventability of maternal deaths, the possibility of domestic abuse, the access and adequacy of medical care, and the nature and extent of interagency communication.



MISCELLANEOUS:

§ 24-734 is amended to allow judges, in cases where the parties consent, to permit any witness who will be examined by oral examination to appear by telephonic, videoconferencing, or other similar methods.

LEGISLATIVE SESSION:

Biennial. The regular session convened on February 4, 2013, and adjourned on June 3, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

Chapter 412 is amended to add stalking as a military offense triable by court-martial. The amendment provides that a person is guilty of stalking when he or she wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including, without limitation, sexual assault to himself or herself or a member of his or her immediate family; who has knowledge or should have knowledge that the specific person will be placed in reasonable fear of death or bodily harm, including, without limitation, sexual assault to himself or herself or a member of his or her immediate family; and whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault to himself or herself or a member of his or her immediate family.

§ 179.255 is amended to enable a person who was arrested for alleged criminal conduct, including battery which constitutes domestic violence, but where the prosecuting attorney having jurisdiction declined prosecution of the charges, to petition the court having jurisdiction in which the charges were declined for prosecution to seal all records relating to the arrest and the declination. This amendment also provides that the prosecuting attorney who previously declined prosecution of the charges may file charges at any time before the running of the statute of limitations even if the records of the arrest have been sealed. If the charges are filed with the court, the court must order inspection of the records without the prosecuting attorney having to petition the court.

FAMILIES AND CHILDREN:

Chapters 62G and 432B are amended to require a department of juvenile justice and an agency which provides child welfare services obtain a background investigation of applicants for employment with and employees of the department or agency. The background check is used to determine if there are pending charges against the

applicant/employee or if the applicant/employee has been convicted of certain crimes, including battery that constitutes domestic violence that is punishable as a felony and other types of battery that constitute domestic violence, but are not necessarily punishable as a felony.

Chapter 424 is amended to require a licensing authority to obtain a background investigation of an applicant for or holder of a license to conduct a foster care agency and each owner, member of the governing body, employee, paid consultant, contractor, volunteer or vendor of the applicant or licensee who may come into direct contact with a child placed by the foster care agency. The background check is used to determine if there are pending charges against the person being investigated or if the person being investigated has been arrested for or convicted of certain crimes, including a crime involving domestic violence that is punishable as a felony, a crime involving domestic violence that is punishable as a misdemeanor within the immediately preceding seven years, and other crimes.

§§ 125C.0601 to 125C.0693 are enacted to create the Uniform Deployed Parents Custody and Visitation Act governing the custody and visitation of a child when a parent or legal guardian of the child receives military deployment orders.

§ 432B.490 is amended to add that in cases where a child is taken into protective custody by a child welfare agency, where the death of a child's parent is not the result of domestic violence caused by the other parent, and where the agency fails to file a petition alleging that the child is in need of protection within 10 days after the hearing on protective custody, the agency may recommend against further action and return the child to the custody of the person responsible for the welfare of the child. Any party to the proceeding may schedule an additional hearing with the court to determine whether the child should be returned to the person responsible for the welfare of the child pending further action by the court.

ORDERS FOR PROTECTION:

§ 171.1225 is amended to require the written statement provided by law enforcement to a victim of domestic violence include language informing the victim that:

- he or she may seek a court order for the protection of any animal that is owned or kept by the victim, by the person who committed the threatened act of domestic violence, or by the minor child of either such person against further acts of domestic violence;
- an order of protection may require the perpetrator of actual or threatened domestic violence to stop physically injuring, threatening to injure, or taking possession of any animal that is owned or kept by the victim, the victim's children, and by the perpetrator or his or her children, either directly or through an agent; and
- a court may make future orders for protection requiring the perpetrator of an actual or threatened act of domestic violence to comply with the arrangements specified for the possession and care of any animal owned or kept by the victim, the victim's children, the perpetrator, or the perpetrator's children.

PREVENTION AND TREATMENT:

Chapter 439 is amended to create the Committee to Review Suicide Fatalities (Committee) within the Department of Health and Human Services. In conducting a review of a suicide fatality in Nevada, the Committee must, to the greatest extent practicable, consult and cooperate with the Coordinator of the Statewide Program for Suicide Prevention, each trainer for suicide prevention, and multidisciplinary teams that review the deaths of victims of crimes that constitute domestic violence.

MISCELLANEOUS:

§ 179A.075 is amended to require that the Central Repository for Nevada Records of Criminal History provide, upon request, information in either paper or electronic form to a multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence.

§ 228.497 is enacted to provide that a multidisciplinary team reviewing the death of the victim of a crime of domestic violence may have access to information contained in the Central Repository for Nevada Records of Criminal History and the criminal history records maintained by an agency of criminal justice.

§ 449.174 is amended to add battery with intent to kill or commit sexual assault or mayhem to the list of crimes, a conviction of which may result in the denial, suspension, or revocation of a license to operate certain facilities, homes, or agencies by the Health Division.

Chapter 118A is amended to allow a tenant/co-tenant/household member who is a victim of domestic violence to terminate his/her lease early under certain circumstances. Before terminating a lease agreement due to domestic violence, the tenant/co-tenant/household member must provide written notice to the landlord along with either a copy of an order for protection against domestic violence, a copy of a written police report, or a written affidavit from a qualified third party stating that the tenant/co-tenant/household member is a victim of domestic violence and identifying the adverse party. The tenant/co-tenant/household member must terminate the rental agreement pursuant to written notice within 90 days of the actions, events, or circumstances of domestic violence resulting in him/her becoming a victim of domestic violence. The amendment limits the liability of the tenant/co-tenant/household member for rent when terminating his/her rental agreement due to domestic violence and prohibits the landlord from withholding the tenant's security deposit. The landlord is prohibited from disclosing the whereabouts of the tenant and may be required to install a new lock at the tenant's request and expense. This section is also amended to prohibit a landlord from retaliating against a tenant due to his/her status as a victim of domestic violence or due to the tenant terminating a rental agreement due to domestic violence.

Chapter 228 is amended to create the Victim Information Notification Everyday (VINE) System, consisting of a toll-free telephone number and internet website. The VINE System allows a victim of a crime or member of the public to register to receive

information regarding the transfer or the release or escape from custody of an offender imprisoned in a county jail or the state prison and will be overseen by a subcommittee of the Nevada Council for the Prevention of Domestic Violence.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 2, 2013, and adjourned on January 8, 2014. The special session convened on November 7, 2013, and adjourned on November 21, 2013.

ORDERS FOR PROTECTION:

§ 173-B:2 is amended to give the district division and the judicial branch family division of the circuit courts jurisdiction over protection from domestic violence proceedings.

MISCELLANEOUS:

§ 153-A:17-a is enacted to provide that any information divulged to the Critical Incident Intervention and Management Team or a team member trained to provide crisis intervention to assist emergency service providers in coping with psychological trauma resulting from response to a critical incident is confidential, with the exception of a communication that indicates the existence of:

- danger to the individual who receives critical incident stress management and crisis intervention services or to any other person;
- past child abuse or neglect of the individual, abuse of an adult, or family violence; or
- past or present acts constituting an intentional tort or crime, provided the applicable statute of limitations has not expired.



NEW JERSEY

LEGISLATIVE SESSION:

Biennium. The two year legislative term begins at noon on the second Tuesday in January of each even-numbered year.

CRIMINAL PENALTIES AND PROCEDURES:

§ 2C:43-13.1 is enacted to allow defendants who are charged with a petty disorderly persons offense in municipal court to apply for and enter into a conditional dismissal program. A person who is charged with a domestic violence offense is not eligible for this program.

PREVENTION AND TREATMENT:

§§ 52:17B-239 to § 52:17B-242 are enacted to declare violence, including domestic violence, a public health crisis and to establish the Study Commission on Violence.

MISCELLANEOUS:

§§ 34:11C-1 to 34:11C-5 are enacted to create the New Jersey Security and Financial Empowerment Act (NJ SAFE Act). The NJ SAFE Act entitles an employee who is a victim of an incident of domestic violence or a sexually violent offense or whose child, parent, spouse, domestic partner, or civil union partner was a victim, to unpaid leave of no more than 20 days in one 12-month period for the purpose of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner to engage in the following activities as related to the incident of domestic or sexual violence:

- seeking medical attention for, or recovering from, physical or psychological injuries caused by the domestic or sexual violence;
- obtaining services from a victim services organization;
- obtaining psychological or other counseling;
- participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- seeking legal assistance or remedies to ensure health and safety including preparing for, or participating in, any civil or criminal legal proceeding; or
- attending, participating in, or preparing for a criminal or civil court proceeding.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 15, 2013, and adjourned on March 16, 2013.

FAMILIES AND CHILDREN:

§§ 40-10C-1 to 40-10C-12 are enacted as the Uniform Child Abduction Prevention Act.

§ 40-10C-6 is enacted to require that a petition for child abduction prevention include whether a party or other individual/entity having custody of a child has filed a prior action to prevent abduction or domestic violence; whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect; and whether a party or other individual having custody of the child has sought the assistance of a domestic violence shelter.

§ 40-10C-7 is enacted to set forth the factors that the court must consider in determining whether there is a credible risk of an abduction of a child. Such factors include any evidence that the petitioner or respondent has engaged in domestic violence, stalking, or child abuse or neglect. This section also:

- requires the court, in a hearing on a petition for child abduction prevention, to consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child;
- requires the court to consider that some of the risk factors may also be undertaken by a domestic violence victim who is trying to relocate or flee to escape the violence; and
- requires the court to consider that an order restricting departure or transferring custody may pose safety issues for the victim and the child if there is evidence that the party preparing to leave is fleeing domestic violence.

§ 40-10C-8 is enacted to require that the court enter an abduction prevention order if, after a hearing on a petition or on the court's own motion and reviewing evidence, the court finds a credible risk of abduction of the child. In issuing its order, the court must consider

the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

§ 40-10C-9 is enacted to allow the court to order a search of national and state crime databases to determine if the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect before issuing an *ex parte* warrant to take physical custody of a child.

ORDERS FOR PROTECTION:

§§ 40-13A-1 to 40-13A-9 are enacted as the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

§ 40-13A-3 is enacted to require courts to enforce valid foreign protection orders, including terms that provide relief that a New Mexico court would lack power to provide, and enforce valid foreign protection orders governing custody and visitation if the order was issued in accordance with jurisdictional requirements in the issuing state. Courts may enforce a foreign mutual protection order if both parties filed a written pleading seeking a protection order, and the issuing state made specific findings that each party was entitled to a protection order.

§ 40-13A-4 is enacted to require law enforcement to enforce a valid foreign protection order as if it were a New Mexico order when there is probable cause to believe that a valid foreign protection order exists.

§ 40-13A-5 is enacted to set forth the process for registering a foreign protection order. A person must provide the district court with a certified copy of the order and an affidavit stating that the order is currently in effect; the court is prohibited from charging a fee for registration of the order; and the clerk must provide a certified copy of the registered order to the person and submit a copy to the local law enforcement agency. The order may also be entered in any state or federal registry. Unless requested by the protected individual, the clerk may not notify the respondent that the order has been registered in New Mexico.

§ 40-13A-6 is enacted to prohibit public entities from making available on the internet any information regarding the registration or filing of a petition for or issuance of a protection order, restraining order, or injunction pursuant to the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act. This information may be placed on the New Mexico judiciary's statewide case management and e-filing system provided that the protected person's address is redacted.

§ 40-13A-7 is enacted to allow protected individuals to pursue other legal and equitable remedies against the respondent in addition to those under the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

MISCELLANEOUS:

§ 29-15-3.2 is created to form a silver alert procedure for the department of public safety that allows for the dissemination of information about a missing person, which includes a person who is or was protected by a protection order pursuant to the Family Violence Protection Act.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and met throughout the year.

CRIMINAL PENALTIES AND PROCEDURES:

§ 140.10 of the criminal procedure law is amended to extend the expiration of certain provisions of the criminal procedure law to September 1, 2015, including the requirement that police officers arrest persons who have committed a family offense in violation of an order of protection and persons who have engaged in family violence. Police officers must have reasonable cause to believe that the individuals have engaged in the aforementioned conduct.

§ 812 of the family court law is amended to provide that the criminal and family courts have concurrent jurisdiction over identity theft, larceny, and coercion when involving family or household members.

FAMILIES AND CHILDREN:

§ 821 of the Family Court Act is amended to include identity theft as a family offense, which qualifies a victim to obtain a civil order of protection.

ORDERS FOR PROTECTION:

§ 221-a of the executive law is amended to give employees of the Department of Corrections and Community Supervision and local correctional facilities who are responsible for monitoring, supervising, or classifying inmates or parolees authority to access the statewide computerized registry of protection orders and warrants.

§ 240 of the domestic relations law is amended to require that a protection order state, on the front page of the order, in a conspicuous manner: “This order of protection will remain in effect even if the protected party has, or consents to have, contact or communication with the party against whom the order is issued. This order of protection can only be modified or terminated by the court. The protected party cannot be held to violate this order nor be arrested for violating this order.” This section is also amended

to clarify that a protected party cannot be held to have violated the order and cannot be arrested for violating the order.

§§ 252 of the domestic relations law, 530.12 of the criminal procedure law, and 168 of the family court law are amended to require that a protection order state, on the front page of the order, in a conspicuous manner: “This order of protection will remain in effect even if the protected party has, or consents to have, contact or communication with the party against whom the order is issued. This order of protection can only be modified or terminated by the court. The protected party cannot be held to violate this order nor be arrested for violating this order.”

§§ 155, 446, 551, 656, 759, 842, 846, 1056 of the family court law and 140.10 of the criminal procedure law are amended to add that a protected party to an order of protection or temporary order of protection cannot be held to violate an order nor be arrested for having violated the order.

§§ 446, 551, 656, 842, 1056 of the family court law, 240 and 252 of the domestic relations law, and 530.12 of the criminal procedure law are amended to allow courts to order a petitioner or respondent to return certain identification documents to the protected party. The amendment defines “identification document” as any of the following documents exclusively in the name of the protected party: birth certificate, passport, social security card, health insurance or other benefits card, bank cards, credit or other financial accounts or records, tax returns, driver’s license, and/or immigration documents. Identification documents also include, upon motion and after notice and an opportunity to be heard, bank cards, credit or other financial accounts or records, tax returns, and any other identifying cards and documents that may reflect joint use or ownership and that the court determines are necessary and appropriately transferred to the protected party.

§ 842-a of the family court law and § 530.14 of the criminal procedure law are amended to require that courts:

- suspend a person's firearm license, order the respondent ineligible for a license, and order the immediate surrender of all firearms, in cases where the court finds a substantial risk that the respondent may use or threaten to use the firearm unlawfully against a protected party to a temporary protection order; and
- revoke the firearm license of a respondent, order the respondent ineligible for such a license, and order the immediate surrender of firearms or suspend or continue to suspend the respondent's license, order the respondent ineligible for a license, and order the immediate surrender of a firearm when the court finds a substantial risk that the respondent may use or threaten to use a firearm unlawfully against a protected party to a protection order or when the respondent has willfully violated the protection order or temporary protection order.

§§ 446-a, 552, 656-a, 780-a, 1056-a of the family court law and 240 and 252 of the domestic relations law are amended to require that courts, upon the issuance of a protection order or temporary protection order, or upon violation of either type of orders, make a determination regarding the suspension and revocation of a license to carry, possess, repair, or dispose of a firearm, ineligibility for such a license, and the surrender of firearms.

§ 400 of the penal law is amended to require that applications for a firearm license or for recertification include forms that provide applicants an opportunity to specify the grounds for the applicant's information to not be publicly disclosed. These grounds include that the applicant's life or safety may be endangered by the disclosure because: the applicant is a protected person under a currently valid order of protection; the applicant is a spouse, domestic partner, or household member of a protected person under a currently valid order of protection; the applicant has reason to believe his or her life or safety may be endangered by disclosure due to reasons stated by the applicant; or the applicant is a spouse, domestic partner, or household member of a person who has reason to believe his or her life or safety may be endangered by disclosure due to reasons stated by the applicant.

§ 265.45 of the penal law is enacted to require that a gun owner who lives with someone the owner knows or has reason to know is prohibited from possessing a gun for certain reasons, including that the prohibited person is subject to a court order of protection or has been convicted of a misdemeanor crime of domestic violence and whose sentence has been completed in the last five years, keep the gun secured in a safe storage depository or render it incapable of being fired by putting a safety lock on the gun when it is out of the owner's immediate control.

MISCELLANEOUS:

§ 91 of the public service law is amended to allow victims of domestic violence to receive a new telephone number within 15 days of requesting one at no cost. The victim must provide a copy of his or her protection order to the telephone corporation.

§ 399-yy of the general business law is amended to allow victims of domestic violence to receive a new telephone number within 15 days of requesting one at no cost. Victim must provide a copy of the protection order to the cable television company that provides their telephone services.

§ 654-a of the general business law is amended to prohibit campground operators from investigating requests by purchasers to cancel a membership camping contract due to domestic violence. This amendment is made in order to protect the privacy and safety of those making such requests.

§ 1125 of the insurance law is enacted to prohibit the freelancers' health plan, which provides health insurance coverage to independent workers, from establishing rules that make any individual or dependent ineligible for coverage based on conditions arising out of acts of domestic violence.

§ 3240 of the insurance law is amended to prohibit insurers or corporations from conditioning eligibility for a student accident and health policy or contract on evidence of insurability, including conditions arising out of acts of domestic violence.



NORTH CAROLINA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on July 26, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 14-17 is amended to expand the definition of murder to include when a child is born alive but dies as a result of injuries inflicted prior to the child being born alive.*

§ 15A-1343 is amended to revise the procedures for defendants placed on probation who are directed to participate in an abuser treatment program. If the defendant is placed on supervised probation, the following procedures apply:

- the probation officer must forward a copy of the judgment, including all conditions of probation, to the abuser treatment program;
- the program must notify the probation officer if the defendant fails to participate in the program or is discharged for violating program rules; and
- the probation officer must file a report with the court and notify the district attorney if the defendant fails to participate in the program or is discharged for violating program rules.

If the defendant is placed on unsupervised probation, the following procedures apply:

- the defendant must notify the district attorney and the abuser treatment program of his or her choice of program within 10 days of the judgment;
- the district attorney must forward a copy of the judgment, including all conditions of probation, to the abuser treatment program; and
- the program must notify the district attorney if the defendant fails to participate in the program or is discharged for violating program rules.

This section is also amended to omit the requirement that courts schedule compliance review hearings for defendants who are placed



on unsupervised probation and are required to attend an abuser treatment program.*

FAMILIES AND CHILDREN:

§ 7A-314.1 is amended to increase the hourly fee charged to persons using supervised visitation and exchange services through a family court program from \$30.00 to \$50.00.

§ 50-13.2 is amended to prohibit a court from considering a parent's past deployment or possible future deployment as the only basis in determining the best interest of the child in a proceeding for custody of a minor child. However, the amendment allows for the court to consider any significant impact on the best interest of the child regarding the parent's past or possible future deployment.

Chapter 50A, Article 3 is created as the Uniform Deployed Parents Custody and Visitation Act, which:

- provides that if an existing court order prohibits disclosure of the address or contact information of the other parent, notice of deployment and notification of a plan for custodial responsibility during deployment may be made only to the issuing court and the court will then forward the notice to the other parent;
- requires a person to whom custodial responsibility for a child has been assigned or granted during a deployment to notify the deploying parent of a change of his or her mailing address, unless there is an existing court order prohibiting disclosure of the address, in which case the person must provide the address to the court and the court must keep it confidential; and
- provides that a court may hold an expedited hearing concerning custody or visitation following the deployed parent's return, upon a motion that alleges danger of irreparable harm to the child.

ORDERS FOR PROTECTION:

§ 50B-2 is amended to bring this statute in compliance with the federal Violence Against Women Act. It prohibits assessing court costs or attorneys' fees for the filing, issuance, registration, or

service of a protection order, a petition for a protection order, or witness subpoena.

§ 50C-2 is amended to prohibit attorneys' fees from being assessed for the filing or service of a complaint for a civil no-contact order or the service of any civil no-contact orders.

§ 50C-7 is amended to allow a court to issue a permanent civil no-contact order upon a finding that the victim suffered an act of unlawful conduct committed by the respondent and additional findings that are enumerated in the statute.

§ 50C-8 is amended to provide that if a temporary *ex parte* civil no-contact order is granted without notice and a motion for a permanent civil no-contact order is made, it must be set for a hearing within 10 days from the date of the motion. This section is also amended to provide that if a temporary *ex parte* civil no-contact order is denied, the trial on the petitioner's motion for a civil no-contact order must be set for hearing within 30 days from the date of the denial.

§ 50B-3 is enacted to allow parties to enter into a consent protective order regarding domestic violence, without findings of fact and conclusions of law having been made. This newly enacted section also provides that the consent protective order is valid, enforceable, and has the same effect as a protective order entered with findings of fact and conclusions of law.

PREVENTION AND TREATMENT:

S.L. 2009-52 was amended to prohibit anyone who has been convicted of a domestic violence related crime or who has participated in a batterer intervention program from being a member of the Domestic Violence Fatality Prevention and Protection Review Team.

MISCELLANEOUS:

§ 96-14.8 is amended to provide that military spouse relocation and domestic violence are good causes for leaving one's employment



and will not disqualify an individual from receiving benefits. This includes leaving work for reasons of domestic violence where the individual reasonably believes that continued employment would jeopardize the safety of the individual or any member of the individual's immediate family. The amendment also defines a domestic violence victim as an individual who:

- has been adjudged an aggrieved party under North Carolina's Domestic Violence laws;
- provides evidence of domestic violence, sexual offense, or stalking including law enforcement, court, or federal agency records or files, documentation from a domestic violence or sexual assault program, or documentation from a religious, medical, or other professional from whom the individual has sought assistance for domestic violence, sexual abuse, or stalking; or
- is a participant in the Address Confidentiality Program because domestic violence was committed upon the individual or the minor individual's child by a person who has a familial relationship with the individual or minor child.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.



NORTH DAKOTA

LEGISLATIVE SESSION:

Biennial. The regular session convened on January 8, 2013, and adjourned on May 4, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 12.1-34-02 is amended to allow victims and witnesses to opt out of statewide automated victim information and notification systems.

§ 12.1-32-07 is amended to allow courts to place defendants convicted of domestic violence under the supervision and management of the department of corrections and rehabilitation or other responsible party.

§ 12-63-12 is amended to give the Peace Officer Standards and Training board discretion to deny, refuse to renew, suspend, revoke, or impose probationary conditions on a license allowing an individual to perform peace officer duties if the individual has been convicted or has pled guilty or nolo contendere to an offense involving domestic violence, violation of a domestic violence restraining order, an offense involving child abuse or neglect, or an offense involving firearms.

FAMILIES AND CHILDREN:

§ 14-03.2-09 is enacted to, among other things, make unenforceable a term in a premarital agreement that limits or restricts a remedy available to a victim of domestic violence. This section also provides that a term in a premarital agreement or marital agreement that defines the rights or duties of the parties regarding parental rights and responsibilities is not binding on the court.

§§ 14-09.3-01 to 14.09.3-26 are enacted to create the Uniform Deployed Parents Custody and Visitation Act regarding the custody and visitation of a child when a parent or legal guardian of the child receives military deployment orders.

MISCELLANEOUS:

§ 62.1-04-04 is amended to eliminate the requirement that applicants for a class 1 or class 2 firearm license or dangerous weapon license provide all documentation relating to any court-ordered treatment

NORTH DAKOTA



or commitment resulting from a domestic violence arrest in order to pass the background investigation/criminal records check.*

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.



OKLAHOMA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on May 24, 2013. The special session convened on September 3, 2013, and adjourned on September 9, 2013.

ORDERS FOR PROTECTION:

Title 22 § 60.2 is amended to prohibit courts from requiring a victim to seek legal sanctions against a defendant, including, but not limited to, divorce, separation, paternity, or criminal proceedings, prior to hearing a petition for a protective order.

Title 23 § 60.4 is amended to:

- prohibit courts from imposing terms or conditions in protective orders that would compromise the victim's safety, including mediation, couples counseling, family counseling, parenting classes, or joint victim-offender counseling sessions; and
- allow courts to order a defendant to pay all or part of the costs of treatment or court-approved counseling services that the plaintiff wishes to undergo.

Title 22 § 60.9 is amended to allow a court to consider the safety of victims subject to a protection order before setting a reasonable bond pending a hearing on an alleged violation of the order.

Title 21 § 1290.12 is amended to allow the issuance of a temporary handgun license, at no cost for up to six months, to a person who has been granted a permanent protective order. To be issued a temporary license, an individual must have:

- successfully passed the required weapons course;
- completed the application process;
- passed the preliminary investigation by the sheriff and court clerk; and
- provided the sheriff proof of a certified permanent victim protection order and valid Oklahoma state photo identification.*

PREVENTION AND TREATMENT:

Title 22 § 1601 is amended to extend the Domestic Violence Fatality Review Board's existence until July 1, 2017.



MISCELLANEOUS:

Title 70 § 3331 is amended to add the entry of a final order of protection as a ground for a police or peace officer to be subject to disciplinary action including denial, suspension, revocation, or acceptance of a voluntary surrender of a peace officer certification.

Title 59 § 1350.9 is enacted to prohibit an applicant from being granted a bail enforcer or armed bail enforcer license in the event that the applicant has a final victim protection order issued in any state against the applicant as a defendant. This section also requires an applicant for a bail enforcer or armed bail enforcer license to make a statement regarding any misdemeanor domestic violence charges.

Title 11 § 34-107 is enacted to require that every municipal police department have policies in place that address certain safety and liability issues including domestic abuse.

Title 10A § 1-8-101 is amended to eliminate the requirement that retained attorneys, whose duties include juvenile docket responsibility, complete at least six (6) hours of education and training annually in courses relating to domestic violence.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.

LEGISLATIVE SESSION:

Annual. The regular session convened on February 4, 2013, and adjourned on July 8, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 167.320 is amended to decrease the number of certain prior convictions from two to one that make first degree animal abuse a felony

§ 167.325 is amended to make second degree animal neglect a felony if the person knowingly commits the offense in the immediate presence of a minor child and the person has one or more previous convictions for an offense involving domestic violence.

§ 167.332 is amended to allow a person who is prohibited from possessing a domestic animal or any animal of the same genus to file a motion with the sentencing court requesting a waiver of the prohibition. This section requires the person filing the motion to include a sworn affidavit stating, among other things, that the person has not been convicted, in the previous five years, of a crime involving domestic violence.

MISCELLANEOUS:

§ 659A.283 is enacted to require public employers to provide victims of domestic violence, harassment, sexual assault, and stalking up to 160 hours of paid leave per calendar year to:

- seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault, or stalking;
- seek medical treatment for or to recover from injuries caused by domestic violence, sexual assault, harassment, or stalking of the eligible employee or the employee's minor child or dependent;

- obtain, or to assist a minor child or dependent in obtaining, counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault, or stalking;
- obtain services from a victim services provider for the eligible employee or the employee’s minor child or dependent; or
- relocate or take steps to secure an existing home to ensure the health and safety of the eligible employee or the employee’s minor child or dependent.

This section requires eligible employees to exhaust all other forms of paid leave first, including vacation, sick, or personal, and public employers to:

- inform the employee of any direct or indirect communication related to the employee’s victimization that is attempted to be made to the employee;
- offer to report any direct or indirect communication to law enforcement; and
- inform all employees annually of these provisions that provide employment protections for victims of domestic violence, harassment, sexual assault, and stalking.

§ 659A.290 is amended to add to the definition of “reasonable safety accommodation” for victims of domestic violence, harassment, sexual assault, and stalking to include the use of available paid leave from employment.

§ 659A.279 is enacted to require covered employers to post summaries that describe employment rights and protections for victims of domestic violence, harassment, sexual assault, and stalking in a conspicuous and accessible place.

§ 659A.270 is amended to eliminate the requirement that an employee work an average of more than 25 hours per week for at least 180 days immediately before the employee takes leave in order to qualify as an “eligible employee,” who is entitled to take paid leave to obtain legal, medical, and other types of services due to being a victim of domestic violence, harassment, sexual assault, and stalking.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 1, 2013, and adjourned on December 18, 2013.

DEFINITIONS:

§ 2709 is amended to define family or household member as “spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners, or persons who share biological parenthood.”

CRIMINAL PENALTIES AND PROCEDURES:

§ 2709 is also amended to enhance the following harassment offenses if the person has previously violated a protection from abuse order involving the same victim, family, or household member:

- striking, shoving, kicking, or otherwise subjecting the other person to physical contact, or attempting or threatening to do the same;
- following the other person in or about a public place or places; or
- engaging in a course of conduct or repeatedly committing acts that serve no legitimate purpose.

FAMILIES AND CHILDREN:

§§ 5201 to 5212 are enacted as the Uniform Child Abduction Prevention Act.

§ 5206 is enacted to require that a petition for child abduction prevention include whether a party or other individual/entity having custody of a child has filed a prior action to prevent abduction or domestic violence; whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect; and any other information required to be submitted to the court for a child custody determination, including information about proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions.

§ 5207 is enacted to state the factors the court must consider in determining whether there is a credible risk of abduction of a child. Such factors include any evidence that the petitioner or respondent has engaged in domestic violence, stalking, or child abuse or neglect. This section also requires the court, in a hearing on a petition for child abduction prevention, to consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child.

§ 5208 is enacted to require that the court enter an abduction prevention order if, after a hearing on a petition or on the court's own motion and reviewing evidence, the court finds a credible risk of abduction of the child. In issuing its order, the court must consider the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.

§ 5209 is enacted to allow courts to order a search of national and state crime databases to determine if the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect before issuing an *ex parte* warrant to take physical custody of a child.

§ 6303 is amended to include in the definition of "founded report" a child abuse report involving a perpetrator against whom a final protection from abuse order has been granted, when the child who is the subject of the report is one of the protected individuals, and:

- only one individual is charged with the abuse in the protection from abuse action;
- only that individual defends against the charge;
- the adjudication involves the same factual circumstances involved in the allegation of child abuse; and
- the protection from abuse adjudication finds that the child abuse occurred.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 1, 2013, and adjourned on July 3, 2013.

MISCELLANEOUS:

§ 12-25-21.1 is amended to provide victims of crimes, including victims of assault with intent to commit murder, robbery, or rape; assault with a dangerous weapon; and assault and battery, relocation assistance up to \$2,500.00.

§§ 27-60.1-1 to 27-60.1-8 are enacted as the Unfair Discrimination Against Subjects of Abuse in Property and Casualty Insurance Act (Act).

§ 27.60.1-2 is enacted to state the purpose of the Act, which is to prohibit unfair discrimination by property and casualty insurers and insurance professionals on the basis of abuse status. This section, however, denies individuals a private cause of action for violations of the Act.

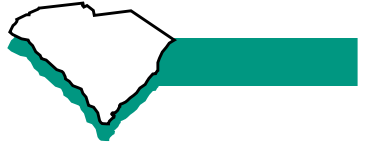
§ 27-60.1-4 is enacted to define the term abuse, for the purpose of the Act, to mean “the occurrence of one or more of the following acts by a current or former family member, household member, intimate partner, or caretaker:

- attempting to cause or intentionally, knowingly, or recklessly causing another person bodily injury, physical harm, severe emotional distress, psychological trauma, rape, sexual assault, or involuntary sexual intercourse;
- knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury or physical harm;
- subjecting another person to false imprisonment; or
- attempting to cause or intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another person.”

§ 27-60.1-5 is enacted to provide that the following acts are unfairly discriminatory:

- denying; refusing to issue, renew, or reissue; cancelling or otherwise terminating, restricting, or excluding coverage on; or adding a premium differential to a property and casualty insurance policy on the basis of the applicant's or insured's abuse status;
- excluding or limiting payment for a covered loss or denying a covered claim incurred as a result of abuse by a person other than a co-insured;
- using exclusions or limitations on coverage that the commissioner has determined unreasonably restricts the ability of subjects of abuse to be indemnified for losses;
- disclosing or transferring confidential abuse information regarding the applicant or claimant, with exceptions; and
- requesting information relating to acts of abuse or an applicant's or insured's abuse status, or making use of that information, except for the limited purposes of complying with legal obligations or verifying a person's claim to be a subject of abuse.

§ 27-60.1-7 is enacted to require insurers to develop and adhere to written policies and procedures for the purpose of protecting the safety and privacy of a subject of abuse; to implement the provisions of the Act when taking an application, investigating a claim, pursuing subrogation, or taking any other action relating to a policy or claim involving a subject of abuse; and to distribute their written policies to employees and insurance professionals.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on June 6, 2013. The special session convened on June 18, 2013, and adjourned on June 26, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 16-3-1700 is amended to provide that a person who commits the offense of stalking or harassment in violation of a restraining order issued by the family court may be charged with stalking or harassment and may receive a fine ranging from \$200.00 - \$10,000.00, imprisonment ranging from 30 days to 10 years, or both a fine and imprisonment.

§ 16-3-1710 is amended to clarify that a person guilty of second degree harassment must be fined up to \$1,000.00, imprisoned up to one year, or both, if the person was subject to a restraining order issued by the family court at the time of the harassment.

§ 16-3-1720 is amended to clarify that a person guilty of first degree harassment must be fined up to \$2,000.00, imprisoned up to three years, or both, if the person was subject to a restraining order issued by the family court at the time of the harassment.

§ 16-3-1730 is amended to clarify that a person guilty of stalking must be fined up to \$7,000.00, imprisoned up to 10 years, or both, if the person was subject to a restraining order issued by the family court at the time of the stalking.

§ 16-3-1760 is amended to allow a court, upon motion of a party, to determine that a temporary restraining order was improperly issued due to unknown facts, vacate the order, and order that all records of the improperly issued restraining order be destroyed.

§ 20-4-60 is amended to allow a petitioner to request that the court vacate a mutual order that does not comply with the provisions of the protection order code and that the court destroy all records of the order.



SOUTH CAROLINA

§ 56-7-10 is amended to require law enforcement officers to use uniform traffic tickets to make arrests for a variety of offenses not traffic-related, including arrests for criminal domestic violence. The uniform traffic ticket is a mechanism for charging persons with certain offenses and vests court magistrates with the jurisdiction to hear and dispose of a charge that is the subject of the ticket.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on March 25, 2013.

ORDERS FOR PROTECTION:

§ 25-10-13 is amended to permit the imposition of bond conditions for a misdemeanor offense of domestic abuse, to permit the issuance of a no contact order upon a conviction of domestic abuse, and to strike the language “an assault pursuant to” from the language in the statute.

§ 25-10-13 is further amended to make it a felony if a person violates a no-contact or protection order and the violation amounts to a simple assault or stalking.

§ 22-19A-2 is amended to make it a felony if a person commits stalking when there is a no-contact order issued as a condition of bond or upon conviction of domestic abuse.



TENNESSEE

LEGISLATIVE SESSION:

Annual. The regular session convened on January 8, 2013, and adjourned on April 19, 2013.

PREVENTION AND TREATMENT:

§ 38-12-110 is amended to allow for the state coordinating council, the entity responsible for promulgating regulations for batterers' intervention programs and for certifying compliance with the regulations, to prescribe fees of up to \$300.00 for the certification of batterers' intervention programs.

MISCELLANEOUS:

§ 10-7-504 is amended to allow for the telephone number, address, and any other information that could be used to locate a family safety center to be treated as confidential by a governmental entity. Utility service providers are also required to treat this information as confidential upon written request by the family safety center's director.



LEGISLATIVE SESSION:

Biennial. The regular session convened on January 8, 2013, and adjourned on May 27, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 411.042 of the Government Code is amended to:

- require the bureau of identification to collect information regarding the number and nature of protective orders and information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, or stalking case;
- require that information in the law enforcement information system relating to an active protective order include the conditions of bond imposed on the restrained party for the protection of a victim in any family violence, sexual assault or abuse, or stalking case; and
- allow the Department of Public Safety to adopt reasonable rules regarding active conditions of bond imposed on a defendant for the protection of a victim in any family violence, sexual assault or abuse, or stalking case and reporting procedures that ensure the information relating to the issuance, modification, or removal of the conditions of bond is reported to the victim, or if the victim is deceased, a close relative of the victim, and the local law enforcement agency.

§ 25.07 of the Penal Code is amended to make violations of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case a misdemeanor. These violations amount to a felony when the defendant has been previously convicted, two or more times, of an offense under this section or there are repeated violations.

§ 25.072 of the Penal Code is enacted to make it a third degree felony for a person to engage in conduct, two or more times within a period of 12 months or less that constitutes a violation of certain court orders or conditions of bond in a family violence, sexual assault or abuse, or stalking case.

§ 411.081 of the Government Code is amended to disqualify any person who has received deferred adjudication for repeated violations of certain court orders or conditions in family violence cases from petitioning the court for an order prohibiting public disclosure of the part of their criminal record that pertains to the offense for which they received deferred adjudication.

§ 411.1711 of the Government Code is amended to add to the list of persons disqualified from obtaining a license for a concealed handgun anyone who received deferred adjudication or repeatedly violated certain court orders or conditions of bond in family violence cases.

§ 36.05 of the Penal Code is amended to:

- make tampering with a witness a felony in the third degree or the most serious crime charged in the criminal case when the underlying proceeding involves family violence;
- make tampering with a witness a second degree felony or the most serious offense charged in the underlying criminal case, if the proceeding involves family violence and the defendant was previously convicted of a family violence offense in Texas or another state; and
- define coercion of a witness or prospective witness as committing acts of family violence with the intent to cause the witness's or prospective witness's unavailability for or failure to comply in a family violence case.

§ 38.48 is of the Criminal Procedure Code amended to allow parties in the prosecution of witness tampering in family violence cases to offer testimony or other evidence about the nature of the relationship between the accused and the witness or prospective witness and any facts and circumstances relevant to whether the actor's conduct coerced the witness or prospective witness.

§ 42.07 of the Penal Code is amended to clarify that a person commits the offense of harassment if the person:

- initiates communication and in the course of the communication makes a comment, request, suggestion, or proposal that is obscene; and
- threatens in a manner reasonably likely to alarm the person receiving the threat or to inflict bodily injury on or commit a felony against a member of the person’s family or household, or the person’s property.

§ 42.072 of the Penal Code is amended to expand the definition of stalking to include situations when the offender knowingly engages in conduct that constitutes harassment, which the offender should objectively know will cause the other person to reasonably feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended. This section is also amended to define “property” to include a pet, companion animal, or assistance animal.

FAMILIES AND CHILDREN:

§ 107.014 of the Family Code is amended to exempt attorneys appointed to represent the interests of an absent parent in a termination of parent-child relationship proceeding from the requirement to disclose any locating information about the parent if the court finds the parent was a victim of family violence.

ORDERS FOR PROTECTION:

§ 82.004 of the Family Code is amended to require that applicants for a protective order indicate on their application whether they are receiving services from the Title IVD agency in connection with a child support case.

§ 85.021 of the Family Code is amended to expand the scope of conduct courts may prohibit in a protective order to include “actual or constructive care” of a pet.

§ 25.07 of the Family Code is amended to define possession of a pet, companion animal, or assistance animal by a person, for purposes of an amendment that expands the provisions a court can include in a protective order, to include prohibiting the removal of a pet from actual or constructive possession of a person named in the order.

§ 25.07 is further amended to classify a violation of an order of protection under the section as a misdemeanor.

§ 85.042 of the Family Code is amended to require the clerk of the court issuing an original or modified protective order to send a copy of the order and any statutorily required information provided by the applicant or the applicant's attorney to the Title IV-D agency, if the application for the protective order indicates that the applicant is receiving services from the agency.*

§ 1053.104 of the Estates Code is enacted to allow a person protected by a family violence protective order, or a guardian, attorney *ad litem*, or member of the family or household of a person protected by an order, to request that the court exclude from any document filed in a guardianship proceeding the following information:

- the protected party's address and phone number;
- the protected party's place of employment or business;
- the protected party's school, day-care center, or other child-care facility; and
- the place at which service of process on the protected party was effectuated.

This section also requires the court to strike the above described information and maintain a confidential record of information for use by the court upon a request for confidentiality.

§ 1101.002 of the Estates Code is enacted to allow for the address of a person named in an application for the appointment of a guardian to be omitted if:

- the application states that the person is a protected party to a family violence protective order;
- a copy of the protective order is attached;
- the application states the county in which the person resides;
- the application states the place where notice to or the issuance and service of citation on the person may be made or sent; and
- the application is accompanied by a request for an order specifying the manner of issuance, service, and return of citation or notice on the person.

§ 1104.358 of the Estates Code is amended to prohibit a person found to have committed family violence who is subject to a protective order from being appointed as guardian of a proposed ward or ward who is protected by the protective order.

§ 82.003 of the Family Code is amended to allow an application for a protective order to be filed in any county in which the family violence is alleged to have occurred.

§ 85.021 of the Family Code is amended to allow a court, in a protective order, to prohibit a party from removing a pet, companion animal, or assistance animal from the actual or constructive care of the person named in the order.

§ 85.022 of the Family Code is amended to allow a court, in a protective order, to prohibit a person found to have committed family violence from harming, threatening, or interfering with the care, custody, or control of a pet, companion animal, or assistance animal that is in the actual or constructive care of the person protected by an order or by a member of the family or household of the person protected by an order.

§ 85.042 of the Family Code is amended to require the clerk of the court issuing an original or modified protective order to send a copy of the order and statutorily required information to the staff judge advocate at Joint Force Headquarters or the provost marshal of the military installation when the applicant or applicant's attorney provides the mailing address of the staff judge advocate or provost marshal to the court clerk.

PREVENTION AND TREATMENT:

§ 264.502 of the Family Code is amended to add a family violence service provider or advocate to the Child Fatality Review Team.

§ 169A.005 of the Health and Safety Code is enacted to allow prostitution prevention programs to collect up to \$1,000.00 from participants, five percent of which must be used to pay for training of law enforcement personnel on domestic violence, prostitution, and human trafficking.

MISCELLANEOUS:

§ 81.0075 of the Family Code is amended to provide that, subject to the Texas Disciplinary Rules of Professional Conduct, a prosecuting attorney is not precluded from representing a party in a proceeding for a protective order against family violence and the Department of Family and Protective Services in another action involving the party regardless of whether the proceeding for a protective order against family violence occurs before, concurrently with, or after the other action involving the party.

§ 51.006 of the Human Resources Code is amended to allow for the Department of Human Services (Department) to publish its report regarding the provision of family violence services on the Department’s internal website. The amendment requires the Department to notify each agency entitled to receive a copy of the report of its availability online on or before the date the report is due.

§ 25.025 of the Tax Code is reenacted to allow for information in appraisal records to be confidential and available only for the official use of the appraisal district, the State of Texas, the comptroller, and taxing units and political subdivisions of Texas if:

- the information identifies the home address of a victim of family violence, and the defendant was convicted of a felony or class A misdemeanor; and
- the victim chooses to restrict public access to the information.

§ 53.021 of the Occupations Code is amended to clarify that restrictions on the ability to be licensed or take a licensing exam for a profession do not apply to a person convicted of a Class C misdemeanor unless that person is applying for or holds a firearms license.

§ 301.4535 of the Occupations Code is amended to require the Board of Nursing to suspend a nurse’s license or refuse to issue a license to an applicant who has been convicted of an offense involving a violation of certain court orders or conditions of bond in family violence cases.

§§ 32.061 to 32.065 of the Health and Safety Code are enacted to create the task force on domestic violence.

*Some domestic violence experts recommend working within the parameters of existing law rather than enacting new legislation that, when implemented, may have dangerous unintended consequences and ramifications for domestic violence victims and their children.



U.S. VIRGIN ISLANDS

LEGISLATIVE SESSION:

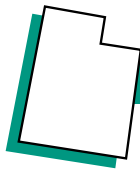
Biennial. The regular session convened on January 14, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 460-470 are added to Title 14 to create the Computer Crimes and Technology Act, which defines and designates cyber-stalking and cyber-harassment as crimes and provides for specific criminal penalties for the violation of a restraining order through cyber-stalking or harassment.

FAMILIES AND CHILDREN:

§§ 1700-1709 of Title 14 are amended to extend protection under the rape statute to victims of rape who are married to the aggressor.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 28, 2013, and adjourned on March 14, 2013.

DEFINITIONS:

§ 78-B-102, part of the Cohabitant Abuse Act, is amended to expand the definition of cohabitant to mean an emancipated person or a person who is 16 years of age or older, who has one or more children in common with the other party.

CRIMINAL PENALTIES AND PROCEDURES:

§ 53-10-403 is amended to require the sheriff to obtain a DNA specimen from a person upon booking the person at the county jail for the offense of repeat violation of a protective order or violation of a condition for release after a domestic violence arrest.

ORDERS FOR PROTECTION:

§§ 78B-7-401 to 78B-7-407 are enacted to create the Dating Violence Protection Act.

§ 78B-7-403 is enacted to permit a person who is subjected to or faces a substantial likelihood of being subjected to abuse or dating violence to seek a protective order. The person is not required to end a dating relationship in order to qualify for a dating protection order. The orders may include a family or household member of the petitioner, provided there is a substantial likelihood that the family or household member would be subjected to abuse by the respondent. Under this section, a person may not:

- withdraw a petition for a protective order without a written order of the court; or
- petition for a protective order against an intimate partner who is a spouse or former spouse, who cohabitates or has cohabitated with the petitioner, or who shares a child in common with the petitioner.

§ 78B-7-404 is enacted to allow a court to issue an *ex parte* dating violence protective order or modify an existing order that:

- prohibits the respondent from threatening to commit or committing dating violence or abuse against the petitioner and any designated family or household member;
- prohibits the respondent from telephoning, contacting, or otherwise communicating with the petitioner or any designated family or household member;
- orders the respondent to stay away from the petitioner's residence, school, and place of employment unless the respondent attends or is employed at the same school or place of employment, respectively;
- prohibits the respondent from being within a specified distance of the petitioner;
- orders any further relief that the court considers necessary; and
- prohibits the respondent from purchasing, using, or possessing a weapon.

§ 78B-7-405 is enacted to require the district court to set a hearing within 20 days of issuing an *ex parte* protective order. This section allows for a hearing beyond the 20 days only if the petitioner is unable to be present at the hearing; the respondent has not been served; or exigent circumstances exist. This section further provides that if the court issues a dating violence protective order at the hearing, the *ex parte* order will remain in effect until service of process of the dating violence protective order is completed. If, however, the court denies a petition for issuance or modification of an *ex parte* order, the court must, upon the petitioner's request, set the matter for hearing and notify and serve the respondent.

§ 78B-7-406 is enacted to require the sheriff, constable, or any law enforcement agency or peace officer to serve protective orders issued under the Dating Violence Protection Act. This section prohibits the court clerk, sheriff, constable, or law enforcement agency from charging fees for filing a petition, obtaining a protective order, or serving the order. This section also requires the offices of the court

clerk to provide the following services to an individual seeking a protective order:

- provide forms for petition and orders for protection developed by the Administrative Office of the Courts;
- provide all other forms required to petition for a protective order, including forms for service when the petitioner is pro se;
- provide non-legal and clerical assistance in filling out forms when the petitioner is pro se;
- provide information regarding the means available for service of process when the petitioner is pro se;
- provide a list of legal service organizations and their phone numbers when the petitioner is pro se; and
- provide written information regarding the procedure for transporting a jailed or imprisoned respondent to the protective order hearing.

§ 78B-7-407 is enacted to require law enforcement officers to arrest a person if the officer has probable cause to believe that the person has intentionally or knowingly violated a protective order regardless of whether the officer has a warrant or whether the violation occurred in the presence of the officer. This section also makes the violation of a protective order a misdemeanor.

PREVENTION AND TREATMENT:

§ 62A-1-120 is enacted to create the Utah Marriage Commission (Commission). Membership of the Commission may include representatives of domestic violence prevention organizations. One of the mandates of the Commission is to promote programs and activities that educate individuals and couples on how to achieve strong, successful, and lasting marriages, including promoting and assisting in the offering of classes and services designed to prevent domestic violence.

MISCELLANEOUS:

§ 77-36-2.2 is amended to require the Department of Public Safety to provide a report to the Law Enforcement and Criminal Justice

Interim Committee regarding law enforcement officers' response to domestic violence complaints that includes the following detailed information:

- marital status of each of the parties involved;
- social, familial, or legal relationship of the suspect to the victim; and
- whether or not an arrest was made.

§ 78B-6-816 is amended to give a tenant who has abandoned a rental property an additional 15 calendar days to recover his or her personal property if the tenant provides to the owner a copy of a police report or protection order involving domestic violence.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on May 31, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§ 1044 is amended to clarify that committing a domestic assault that is a violation of a final order of protection issued in Vermont or any other federally recognized jurisdiction constitutes a second-degree aggravated domestic assault.

ORDERS FOR PROTECTION:

§§ 1105, 5135, and 6937 are amended to require the court to transmit promptly a copy of any protection order it issues to law enforcement for the purposes of service of the order, including orders specific to stalking and sexual assault.

§ 5135 is amended to provide that service of a protective order against a family member can be accomplished when the court notifies a defendant attending a protective order hearing on the record that the court is issuing an order against such defendant.

§ 6937 is amended to provide that service of a protective order against a family member can be accomplished when the court notifies a defendant attending a hearing on a protective order against sexual assault or stalking that the court is issuing an order against such defendant.

§ 5136 is amended to clarify that orders of protection against stalking and sexual assault are not automatically stayed pending the defendant's appeal of such order.

§ 1103 is amended to permit the court hearing petitions for relief from abuse to order a defendant to return personal documents pertaining to the plaintiff or the plaintiff's children, including birth certificates, immigration documentation, and identification cards.

§ 1104 is amended to clarify that the court may issue temporary relief from abuse orders that require a defendant to stay a fixed distance away from the plaintiff, their children, and the plaintiff's residence and place of employment.

MISCELLANEOUS:

§ 1152 is amended to permit participants in the state's address confidentiality program to apply for protection orders in the Superior Court in Washington County, where the office of the Secretary of State is located.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on February 23, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 18.2-60.3 and 18.2-308.1:4 are amended to make a second conviction for stalking a felony when the second stalking offense is within five years of a prior conviction for: assault and battery on the same person who is the victim of the stalking; assault and battery on a family or household member, and the victim of each stalking conviction is the same person; or violation of a protective order. The statute is also amended to make a third conviction for stalking within five years a felony.

§ 18.2-60.5 is amended to make the intentionally deceptive use, without consent, of an electronic tracking device to track the location of another person a class 3 misdemeanor.

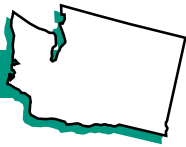
ORDERS FOR PROTECTION:

§§ 16.1-106 and 16.1-298 are amended to clarify that any protective order entered as a result of the violation of an initial protective order, including family abuse protective orders issued with a family abuse disposition, remains in effect pending any appeal.

MISCELLANEOUS:

§ 18.2-308 is amended to prohibit the clerk of a circuit court, who issues a concealed handgun permit, from disclosing any information from the permit application to the public, including the name of the applicant.

§ 55-255.16 is amended to permit tenants who are victims of family abuse, sexual abuse, or criminal sexual assault to terminate their rental agreement early if the victim has obtained a family abuse protective order or a court has convicted a defendant of sexual abuse, sexual assault, or family abuse against the victim.



WASHINGTON

LEGISLATIVE SESSION:

Annual. The regular session convened on January 4, 2013, and adjourned on April 24, 2013.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 9A.44.060 and 1999 c 143 s 34 are amended to remove the exemption in the law that bars the conviction of a victim's spouse for certain sex crimes.

§§ 9A.36.031, 2011 c 336 s 359, and 2011 c 238 s 1 are reenacted and amended to expand the scope of the crime of third degree assault to include assaults that take place in any area of a building used in connection with court proceedings and expand the list of aggravating factors that permit the court to impose a sentence beyond the standard range for third degree assault.

§§ 9.94A.535 and 2011 c 87 s 1 are amended to include stalking in the list of aggravating circumstances to a crime that permit a court or a jury to impose a higher than standard sentence on a criminal defendant.

§§ 9A.46.110 and 2007 c 201 s 1 are amended to expand the scope of conduct that qualifies as felony stalking.

FAMILIES AND CHILDREN:

§§ 13.34.130, 13.34.136, 13.34.380, 74.14B.010 are amended and 13.34.130 is reenacted to codify the following recommendations of the Powell fatality team that studied the deaths of Charlie and Braden Powell:

- requiring courts that place a child with a caregiver, over the objection of a parent, to articulate, on the record, its reasons for ordering the placement;
- requiring that when a parent or a sibling of a child in the care and custody of the state Department of Social and Health Services (DSHS) is a suspect of a violent crime in an active criminal investigation, DSHS make a concerted effort to consult with law enforcement assigned to such investigation before

- recommending any changes to the parent-child or sibling-child contact;
- requiring that DSHS develop consistent policies and protocols for consultation with assigned law enforcement in the event that a parent or sibling of a child in DSHS care is a suspect in an active criminal investigation for a violent crime; and
- requiring DSHS to provide ongoing domestic violence training to caseworkers, including training on the use of the children's administration practice guide to domestic violence.

ORDERS FOR PROTECTION:

Chapter 7.92 is added to Title 7 to create a civil protection order for victims of stalking who do not qualify for a domestic violence protection order.

Chapter 10.14. is amended to:

- authorize the creation of judicial commissioners to preside over protection order proceedings; and
- require the state administrative office of the courts to develop a single master petition form for all stalking and anti-harassment orders.

§§ 9A.46.040 and 2012 c 223 s 1 are amended to create procedures for the entry of a stalking order of protection during the pendency of a criminal prosecution for stalking-related offenses.

MISCELLANEOUS:

§§ 59.18.575 and 2004 c 17 s 4 are amended to prohibit:

- tenant screening service providers from disclosing the status of a tenant or household member who is a victim of domestic violence, sexual assault, or stalking;
- tenant screening service providers from knowingly disclosing that a tenant, applicant, or household member previously terminated a rental agreement pursuant to a state law that protects victims of domestic violence; and
- landlords from terminating or refusing to enter a rental agreement based on an applicant's status as a victim of domestic violence.



WEST VIRGINIA

LEGISLATIVE SESSION:

Annual. The regular session convened on January 9, 2013, and adjourned on April 13, 2013.

PREVENTION AND TREATMENT:

§§ 61-12A-1, 61-12A-2, 61-12A -3, and 61-12A-4 are enacted to create a fatality and mortality review team charged with investigating certain categories of death in the state, including deaths resulting from suspected domestic violence.

MISCELLANEOUS:

§ 61-7-4 is amended to clarify the application of a provision in the handgun licensing law that bars those convicted of domestic violence crimes from obtaining a state license to carry a concealed weapon.

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Jane Doe Inc.

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Senate: (651) 297-8135
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State Capitol, Room 231
75 Dr. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155
House: (651) 296-0504
Toll-Free: (888) 234-1112
Senate: (651) 296-6511
Website: www.senate.leg.state.mn.us

Minnesota Legislative Reference Library

State Office Building, Room 645
100 Dr. Martin Luther King, Jr. Blvd.
St. Paul, Minnesota 55155
House: (651) 296-8338
Website: www.leg.state.mn.us

Mississippi Clerk of the House

New Capitol, Room 305
PO Box 1018
Jackson, Mississippi 39215
House: (601) 359-3360
Senate: (601) 359-3728
Website: <http://www.legislature.ms.gov/Pages/default.aspx>

Mississippi Secretary of the Senate

New Capitol, Room 313
PO Box 1018
Jackson, Mississippi 39215
House: (601) 359-3202
Senate: (601) 359-2129
Website: <http://www.legislature.ms.gov/Pages/default.aspx>

Missouri Legislative Library, Committee on Legislative Research

State Capitol, Third Floor
201 W. Capitol 117A
Jefferson City, Missouri 65101
House: (573) 751-4633
Email: leg.library@lr.mo.gov
Website: www.moga.mo.gov

Montana Legislative Services Division

State Capitol, Room 110
1301 E. Sixth Ave.
PO Box 201706
Helena, Montana 59620
House: (406) 444-3064
Senate: (406) 444-3036
Email: sfox@mt.gov
Website: <http://leg.mt.gov>

Nebraska Clerk of the Legislature

State Capitol, Room 2018
PO Box 94604
Lincoln, Nebraska 68509
House: (402) 471-2271
Senate: (402) 471-2126
Website: www.nebraskalegislature.gov

STATE LEGISLATIVE CONTACTS

Nevada Legislative Council Bureau Research Library

Sedway Office Building, First Floor
333 E. Fifth St.

Carson City, Nevada 89701

(Mailing address: Research Library,
401 S. Carson St.)

House: (775) 684-6827

Senate: (775) 684-6420

Website: www.leg.state.nv.us

New Hampshire Reference and Information Services

New Hampshire State Library
20 Park St.

Concord, New Hampshire 03301

House: (603) 271-2239

Senate: (603) 271-2205

Website: www.gencourt.state.nh.us

New Jersey Legislative Information and Bill Room

State House Annex, Room 50
PO Box 068

Trenton, New Jersey 08625

House: (609) 292-4840

Senate: (609) 777-2440

Email: leginfo@njleg.org

Website: www.njleg.state.nj.us

New Mexico Legislative Council Service

State Capitol, Room 411

Santa Fe, New Mexico 87501

House: (505) 986-4600

Senate: (505) 986-4680

Email: lsc@nmlegis.gov

Website: www.nmlegis.gov

New York Assembly Public Information Office

Legislative Office Building, Room 202
Albany, New York 12248

House: (518) 455-4218

Senate: (518) 455-5175

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

New York Office of the Secretary of the Senate

State Capitol, Room 321

Albany, New York 12247

House: (518) 455-2051

Senate: (518) 426-6890

Website: www.senate.state.ny.us

North Carolina Legislative Services Office

State Legislative Building, Room 2129
16 W. Jones St.

Raleigh, North Carolina 27601

House: (919) 733-7044

Senate: (919) 715-2739

Website: www.ncga.state.nc.us

North Dakota Legislative Council

State Capitol, Second Floor

600 E. Boulevard Ave.

Bismarck, North Dakota 58505

House: (701) 328-2916

Senate: (701) 328-3615

Email: lcouncil@nd.gov

Website: www.legis.nd.gov

Ohio Office of the Clerk

State House

Columbus, Ohio 43215

House: (614) 466-3357

Senate: (614) 644-8744

Website: www.house.state.oh.us

STATE LEGISLATIVE CONTACTS

Oklahoma Law and Legislative Reference Division

Oklahoma Department of Libraries
State Capitol, Room B-8
Oklahoma City, Oklahoma 73105
(Mailing address: 200 NE 18th St.)
House: (405) 522-3212
Senate: (405) 521-2753
Email: lawreference@altn.odl.state.ok.us
Website: www.odl.state.ok.us

Oregon Administrator's Office, Legislative Administration Committee

State Capitol, Room 140-A
900 Court St., NE
Salem, Oregon 97301
House: (503) 986-1847
Senate: (503) 986-1684
Email: scott.burgess@state.or.us
Website: www.leg.state.or.us

Pennsylvania Library, Legislative Reference Bureau

Main Capitol Building, Room 641
Harrisburg, Pennsylvania 17120
House: (717) 787-4223
Senate: (717) 783-2396
Email: pasesslaws@palib.us
Website: www.legis.state.pa.us

Puerto Rico Secretary of the House

The Capitol, Second Floor
PO Box 902228
San Juan, Puerto Rico 00902
House: (787) 721-6040
Email: info@camaraderepresentantes.org

Puerto Rico

MicroJuris
PO Box 9024096
San Juan, Puerto Rico 00902
House: (787) 724-3889 (English)
Senate: (787) 723-0672
Email: info@microjuris.com
Website: www.microjuris.com

Rhode Island Legislative Reference, State Library

State House, Room 208
Providence, Rhode Island 02903
House: (401) 222-2473
Senate: (401) 222-3034
Email: statelibrary@sec.state.ri.us
Website: www.state.ri.us

South Carolina Legislative Council

1000 Assembly St., Room 434
PO Box 11489
Columbia, South Carolina 29211
House: (803) 212-4500
Senate: (803) 212-4501
Website: www.scstatehouse.gov

South Dakota Legislative Research Council

State Capitol, Third Floor
500 E. Capitol Ave.
Pierre, South Dakota 57501
House: (605) 773-3251
Senate: (605) 773-4576
Website: <http://legis.state.sd.us/>

STATE LEGISLATIVE CONTACTS

Tennessee Office of Legislative Information Services

Rachel Jackson Building, First Floor
320 Sixth Ave. N.
Nashville, Tennessee 37243
House: (615) 741-3511
Website: www.capitol.tn.gov

Texas Legislative Reference Library

State Capitol, Room 2N.3
1100 Congress Ave.
PO Box 12488
Austin, Texas 78711
House: (512) 463-1252
Senate: (512) 475-4626
Website: www.capitol.state.tx.us

Utah Office of Legislative Research and General Counsel

State Capitol, W210 House Building
Salt Lake City, Utah 84114
House: (801) 538-1032
Senate: (801) 538-1712
Website: www.le.utah.gov

Vermont Legislative Council

State House, First Floor Annex
115 State St., Drawer 33
Montpelier, Vermont 05633
House: (802) 828-2231
Senate: (802) 828-2424
Website: www.leg.state.vt.us

Virginia Legislative Information Office

State Capitol, First Floor
PO Box 406
Richmond, Virginia 23218
House: (804) 698-1500
Senate: (804) 786-3215
Website: virginiageneralassembly.gov

Washington Office of the Clerk of the House

Legislative Building, Third Floor
PO Box 40600
Olympia, Washington 98504
House: (360) 786-7750
Senate: (360) 786-7021
Website: www.leg.wa.gov

Washington Office of the Secretary of the Senate

Legislative Building, Room 309
PO Box 40482
Olympia, Washington 98504
House: (360) 786-7550
Senate: (360) 786-7520
Website: www.leg.wa.gov

Washington Legislative Information Center

Ground Floor, Legislative Building,
Room 106
PO Box 40600
Olympia, Washington 98504
House: (360) 786-7573
Email: support@leg.wa.gov
Website: www.leg.wa.gov

West Virginia Office of Legislative Services

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

STATE LEGISLATIVE CONTACTS

Wisconsin Legislative Reference

Bureau

1 East Main St., Second Floor

Madison, Wisconsin 53703

House: (608) 266-0341

Senate: (608) 266-5648

Website: www.legis.state.wi.us

Wyoming Legislative Service Office

State Capitol, Room 213

Cheyenne, Wyoming 82002

House: (307) 777-7881

Senate: (307) 777-5466

Website: <http://legisweb.state.wy.us>

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