

SENATE HEARING SLIP

(Please Print Plainly)

SB438
95

DATE: 3/5/02

BILL NO. SB438

OR

SUBJECT _____

Jason Westphal

(NAME)

P.O. Box 7158

(Street Address or Route Number)

Madison 53707

(City and Zip Code)

The Criminal Law

(Representing) Section of ->

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: March 5, 2002

BILL NO. AB438

OR

SUBJECT _____

Lisa Macaulay

(NAME)

600 Williams St. N-2

(Street Address or Route Number)

Madison WI 53703

(City and Zip Code)

W.S. Carlton Against Sexual Assault

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: March 5, 2002

BILL NO. SB 438

OR

SUBJECT _____

Cyrus Behroozi

(NAME)

1400 N. 6th St.

(Street Address or Route Number)

Milwaukee, WI 53212

(City and Zip Code)

Task Force on Family Violence

(Representing) of Milwaukee

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 439

OF

SUBJECT _____

Amy Krymkevskia
(NAME)

111 N. Broadway
(Street Address or Route Number)

Milwaukee 53202
(City and Zip Code)

The Milwaukee Women's Center
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information
only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY.**

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/5/02

BILL NO. 438
OR

SUBJECT Kathy Herzigette on behalf

Sen. Burkle

(NAME)

317 E - State Capitol

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 432 ~~SB 438~~
OR

SUBJECT _____

REN STEVE WICKERT

(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing) 57TH ASSEMBLY DISTRICT

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/5/02

BILL NO. SB 438
OR

SUBJECT _____

Patricia Segre

(NAME)

(Street Address or Route Number) 307 S Paterson

(City and Zip Code) Madison WI 53703

(Representing) WI Coalition Against Domestic Violence

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

**Senate Committee on Judiciary, Consumer Affairs and Campaign
Finance Reform**

Request for Paper Ballot Executive Action on 2001 Senate Bill 438

The Senate Committee on Judiciary, Consumer Affairs and Campaign Finance Reform was unable to hold a formal Executive Session on Senate Bill 438 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by 5:00 PM Friday, March 8, 2002.**

Passage of Senate Bill 438:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: Scott Fitzgerald Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

**Senate Committee on Judiciary, Consumer Affairs and Campaign
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Passage of Senate Bill 438:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

_____ Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: Fred Rasser

Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

**Senate Committee on Judiciary, Consumer Affairs and Campaign
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Passage of Senate Bill 438:

 X Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

 X Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

 X Aye (In Favor of Passage of the Bill)

 No (Oppose Passage of the Bill)

Signed: Joanne Heelsman Friday, March 8, 2002
By PR - via phone

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

**Senate Committee on Judiciary, Consumer Affairs and Campaign
Finance Reform**

Request for Paper Ballot Executive Action on 2001 Senate Bill 438

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Passage of Senate Bill 438:

_____ Moved (Optional -- Please check if you wish to Move
Passage of the Bill)

_____ Seconded (Optional -- Please check if you wish to Second
Passage of the Bill)

Aye (In Favor of Passage of the Bill)

_____ No (Oppose Passage of the Bill)

Signed: Robert W. Wirth

Friday, March 8, 2002

Please return to Sen. George's Office by 5:00 PM Friday, March 8, 2002.

**Testimony of
State Representative Steve Wieckert
Regarding the
Restraining Order Modification Bill
SB438, Before the Senate Committee on Judiciary,
Consumer Affairs, and Campaign Finance Reform
March 5, 2002**

Chairman George and Members of the Committee,

I appreciate having the opportunity to discuss briefly today about the importance of this bill.

For the purposes of obtaining an injunction, "domestic abuse" is currently defined by a set of relationships. For it to occur, both the victim and the perpetrator must be either a member of the same family or of the same household, have been formerly married, or have a child in common. Perhaps at one point this definition was satisfactory, but today it no longer is. This bill will expand the scope of "domestic abuse" to include two new types of relationships: dating relationships and caregiver relationships.

To understand the need for this legislation, you simply have to turn on your television. It is hard to avoid the stories and reports of dating violence and elder abuse. To understand the magnitude of these problems, consider the following:

Studies estimate that between one and four million women each year suffer violence at the hand of an intimate – either their husband or a boyfriend. Most of these women are between the ages of 18-29 – ages when often they are single, going to college, or starting their first job in the real world. More than one in four high school and college students will experience dating violence – and right now, our laws offer them nowhere to go when it comes to getting a restraining order for this abuse. There is a clear need for us to make it easier for those who are in violent and abusing dating relationships to get out, for their own health and well-being.

The bill also expands the definition of domestic abuse to include relationships in which one adult is being cared for by another. As the baby-boomers enter their golden years, the issue of caregiver and elder abuse will continue to grow larger. Whether they are being cared for by a nursing home, an assisted-care arrangement, or even by their children or other relatives, they should know that they will be taken care of at the highest level possible, and will be treated with the dignity and respect they deserve.

Unfortunately, according to numbers released by the federal Administration on Aging, that isn't always the case. In 1996, approximately 450,000 elderly people in this country were abused or neglected in domestic settings. And again, under current law, this is not considered domestic abuse.

This bill works to change that. It makes both dating and caregiver abuse "domestic abuse" for the purpose of seeking an injunction. It also expands the list of behaviors that constitute abuse to include destruction of one's property and mistreatment of one's pet.

The bill also makes it easier for individuals to obtain temporary restraining orders. It allows the petitioner to mail or fax a copy of the petition or a summary to the respondent. It lengthens the period that the court has to hear the request from seven to fourteen days, and lengthens the maximum length of a domestic abuse injunction from two years to four years. Finally, it makes a common-sense change by prohibiting the petitioner's address from being included on any materials that might be served to the respondent.

It is my hope that your fast action on this bill will help us to better protect those in dating and caregiver relationships from the violence that occurs far too often in the context of those relationships.

March 5, 2002

MEMORANDUM

TO: Members of the Senate Judiciary Committee

FROM: Patti Seger, Wisconsin Coalition Against Domestic Violence, Policy Development Coordinator, 608/255-0539

RE: Support for Senate Bill 438

Civil restraining orders are one of the major remedies the justice system provides to victims of domestic violence. Research on restraining orders has shown that the effectiveness of protection orders for victims of domestic abuse depends on how specific and comprehensive the orders are and how well they are enforced. Senate Bill 438 expands several definitions in Wisconsin's domestic abuse restraining order law, allowing for more comprehensive relief to a broader range of victims. The **Wisconsin Coalition Against Domestic Violence (WCADV)** supports this effort to strengthen protection for victims of domestic abuse.

Key proposals in SB 438 include:

➤ **Expansion of relationships that are defined as "domestic" under Wisconsin law.**

One of the many recommendations by the National Council of Juvenile and Family Court Judges (NCJFCJ) in their Model Code to Domestic and Family Violence is that the class of persons who may apply for restraining order protection be broadly defined. Comprehensive inclusion of all those exposed to risk within a family or household gives courts the latitude to construct relief to prevent further abuse and to provide essential safeguards.

SB 438 includes a definition of **dating relationships** that is both consistent with federal law (Violence Against Women Act, 2000) and 30 other states plus the District of Columbia and 3 US territories. It has long been recognized that domestic violence does not uniformly begin after an intimate couple is married or residing in the same dwelling (although sometimes this is the case). We all know and understand that many violent relationships begin in a far earlier stage...when the couple is dating. Under current law, victims of dating relationships can obtain a less effective Harassment Restraining Order.

There has also been increased recognition of abuse of some of the most vulnerable adults in Wisconsin...the elderly and those suffering from developmental or other disabilities. While Wisconsin does have a Vulnerable Adult Restraining Order, it does not provide same or similar relief as provided by the Domestic Abuse orders. The Vulnerable Adult order provides for service provision but will not enjoin an abusive person from contact with the victim of that abuse.



SB 438 will also allow a guardian to apply on behalf of an incompetent adult.

➤ **Increased definitions of abusive conduct.**

Many domestic batterers use a variety of intimidating and destructive tactics to manipulate and control their victims. SB 438 will include Criminal Damage to Property and Criminal Mistreatment of Animals as increased definitions of abusive conduct. There has been a rapidly growing body of research on the link between animal mistreatment and domestic abuse.

➤ **Confidentiality of victim's address.**

Wisconsin's Harassment Restraining Order allows for the address of the victim to remain confidential, however, this is not the case with Domestic Abuse Orders. Victims of domestic abuse are particularly vulnerable to stalking and increased physical violence when they attempt to leave their abuser. Every effort should be made to assist victims' in achieving safety for themselves and their children, including maintaining the confidentiality of their residence.

➤ **Increased time limits for both the temporary restraining order and injunctions.**

This proposal extends the length of the temporary restraining order from 7 days to 14 days to allow adequate time for civil process servers to serve the respondents. It also extends the potential length of the injunction from 2 years to 4 years. Many victims are forced to return to court after 2 years to obtain another 2 year order if the respondent's behavior has not ceased. Allowing for increased length of injunctive relief will provide longer term protection for the victims that need it, those that do not need this long-term protection can seek a shorter term.

The proposed changes in SB 438 go a long way toward increasing safety and protection for victims of domestic abuse. However, we recognize that the mere existence of a restraining order alone will provide total safety for the victims. Victims of abuse report the highest degree of safety when a range of services and community supports exist in conjunction with the restraining order. Two additional legislative proposals, SB 439 and SB 440, should they pass will also provide that wider range of support for victims of abuse. On behalf of victims of domestic violence, WCADV urges you to pass SB 438.