



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

**Testimony on
Senate Bill 476
Senate Committee on Judiciary & Public Safety
January 11, 2018**

Mr. Chairman and members of the committee, thank you for the opportunity to testify on Senate Bill 476. Unfortunately domestic violence knows no bounds; it affects everyone no matter your gender, the color of your skin, your religious beliefs, your profession or your socio-economic class. This bill seeks to protect those on the front lines in the legal community helping victims of domestic abuse who may be victims themselves.

Frequently, victims of domestic abuse do not seek help because they feel embarrassment or shame for reporting abuse. Members of the legal community who are also victims of abuse may feel greater intimidation from seeking help because of the nature of a county's small, tight-knit legal community. This bill would cover court employees, victim advocates¹, attorneys and current and former law enforcement officers, the spouses of these people and those in a dating relationship² with these people.

Under current law, anyone may file for a temporary restraining order (TRO) in the county in which the person resides or the county in which the person is temporarily living.³ This bill permits members of the legal community to also file for TROs in counties within 100 miles of the county seat of the county where they live. This radius will allow victims in the legal community in large rural counties to file in nearby counties while still preserving the due process rights of the abuser.

Unfortunately there have been cases across the state, including in my own back yard of Outagamie County, where we have seen someone eligible to file for a TRO in another venue under this bill have fallen victim to domestic violence.⁴

¹ Wis. Stat. 905.045 (1) (e) ("Victim advocate" means an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim.").

² Wis. Stat. 813.12 (1) (ag) ("Dating relationship" means a romantic or intimate social relationship between 2 adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.").

³ Wis. Stat. 801.50(5r) ("Venue of an action under s. 813.12 growing out of domestic abuse shall be in the county in which the cause of action arose, where the petitioner or the respondent resides or where the petitioner is temporarily living.").

⁴ See Garza, Jesse, *Man arrested in killing of domestic violence victim advocate*, Milwaukee Journal Sentinel (April 29, 2013), <http://archive.jsonline.com/news/wisconsin/exhusband-arrested-in-killing-of-domestic-violence-victim-advocate-859osmr-205327991.html/>; *Sawyer County clerk apparent victim of murder-suicide*, The Associated Press (July 29, 2016), <http://archive.jsonline.com/news/crime/sawyer-county-court-clerk-apparent-victim-of-murder-suicide-b99769949z1-388664431.html/>.

This bill is a common-sense, simple reform. Those on the front lines helping victims of domestic violence should not have to feel threatened or intimidated themselves. In order to have a robust system that effectively protects victims of domestic violence and allows them to seek the legal help and protections they need we must make sure those in positions to help them are not forgotten and protected themselves. Thank you for your consideration.



Date: January 11, 2017

To: Members of the Senate Committee on Judiciary and Public Safety

From: Representative Crowley

Re: Testimony regarding Senate Bill 476 – Amendment relating to venue requirements for child abuse, domestic abuse, and harassment cases

I'm grateful to Chairman Wangaard and members of the committee for the opportunity to communicate my support for Senate Bill 476 (SB 476), which I co-authored with Representative Ron W. Tusler. I'd also like to thank Senator Sheila Harsdorf and Senator LaTonya Johnson for helping move this important legislation forward.

As a member and former chair of the Milwaukee Chapter of the ACLU, I know how important it is to have access to the courts to defend individual rights. Anything that impedes or dissuades a person from attempting to take legal action inhibits justice from being served. Access to justice is essential to a functioning society. AB 581 will remove obstacles that prevent victims of abuse from using the courts to protect them from harm.

2016 was the worst year for domestic violence homicides in Wisconsin since 2000, the year End Domestic Abuse WI started tracking deaths due to domestic abuse. Nearly 60 individuals were killed by domestic violence. Similarly, simple assaults and aggravated assaults—the FBI Uniform Crime Reporting categories into which non-fatal domestic violence incidents fall—have increased in Wisconsin over the past two years. This is why we must do all that we can to make sure victims of domestic violence can feel safe to come forward when these instances occur.

SB 476 will reduce unreported domestic violence incidents by giving certain classes of victims—who may be more reluctant to take legal action due to the nature of their or their spouse's work—flexibility in where they can file for a temporary restraining order (TRO) or injunction. Currently, a TRO or injunction for domestic abuse must be filed in the county where the abuse occurred, where the petitioner or respondent resides, or where the petitioner is temporarily living. For child abuse, the TRO or injunction must be filed where the abuse occurred or where the respondent resides.

SB 476, would allow victims or parents of victims who work as a victim's advocates, employees of county court systems, legal professionals practicing law, former or current law enforcement officers, or are dating or married to a member of one of these occupations to file for a TRO or injunction related to domestic abuse, child abuse, or harassment in any county within a 100 miles



of where the petitioner resides or is temporarily living. Members of these professions are often reluctant to file for TROs or injunctions in the jurisdictions they are active in. Even though they are victims of despicable abuse, they still face potential embarrassment or harassment by exposing their domestic issues to their professional peers. As a result, these victims may put off getting legal assistance, placing them at risk of another incident, possibly worse than the last. SB 476 will remove the cause of victims' internal struggle between seeking justice and self-consciousness.

This is a simple step to combat a growing problem, and has few downsides. I thank you for your time and consideration, and look forward to working with you to move this bill forward and protect victims of domestic abuse.

Sincerely,

David C. Crowley
State Assembly Representative
17th Assembly District



STATE SENATOR
LaTonya Johnson

WISCONSIN STATE SENATE

6TH DISTRICT

Senate Committee on Judiciary and Public Safety

Testimony on 2017 Senate Bill 476

January 11, 2018

Chairman Wanggaard and members of the committee, thank you for holding a hearing on SB 476.

In 2016, 73 Wisconsinites died due to domestic violence, the highest number since 2000. Domestic violence persists across geography, ethnicity, and socioeconomic status. It shatters families and communities, and often leaves victims traumatized and too fearful to seek the help of law enforcement. This fear of reaching out can keep a victim at the mercy of their abuser, and increase the likelihood that they will suffer greater harm in the future.

SB 476 is intended to reduce obstacles for victims of domestic abuse, child abuse, and harassment who are employed in certain professions.

Difficulty getting help through the legal system only adds insult to the very real injuries that victims of domestic violence suffer. For those individuals who work in or around the field of domestic violence advocacy, getting help for their own issues with abuse can carry added concerns.

If you know every judge, commissioner, police officer, and social worker in a given jurisdiction due to your work as a DV advocate, you may be hesitant to report abuse and seek protection—especially if the abuser is also a part of the legal system.

SB 476 will allow a petitioner that is a victim of domestic violence and who also works in domestic violence advocacy, practices law, or law enforcement, or is the spouse of someone in one of these fields, to be able to bring their action for a restraining order or injunction in a domestic abuse case in any county within a 100 mile radius of the county seat in which the petitioner resides.

While unjustified, many victims feel shame and embarrassment voicing the abuses that they have suffered at the hands of a loved one. When you have to do so in front of a room of colleagues, these feelings can prevent a victim from coming forward to seek help. This legislation will provide these victims with an escape route, which allows them to seek protection in an alternate venue, and increase the likelihood that they will be able to get the protection and services that they need to get away from their abuser.

I want to thank my legislative co-authors for their work on this bill—Reps. Tusler and Crowley in the Assembly, and Sen. Harsdorf in the Senate, as well as the input and support of stakeholders like End Domestic Abuse WI.

Thank you again for holding a hearing on this important proposal, and I would be happy to answer any questions that you may have.

STANDING COMMITTEES:

Natural Resources & Energy, Chair
Transportation & Veterans Affairs



ROBERT L. COWLES

Wisconsin State Senator
2nd Senate District

JOINT COMMITTEES

Audit Committee, Co-Chair
Information Policy and Technology

Testimony on 2017 Senate Bill 476

Senator Robert Cowles

Senate Committee on Judiciary and Public Safety - January 11, 2018

Thank you Chairman Wanggaard and committee members for allowing me to testify on 2017 Senate Bill 476. I am testifying today not only as a co-sponsor of this bill, but at the behest of former Senator Sheila Harsdorf who hopes to see this bill enacted into law. This bipartisan bill seeks to provide the opportunity for a change of venue for actions relating to domestic abuse, child abuse, and harassment when the petitioner is employed in certain professions.

Senate Bill 476 allows a petitioner that is a victim of domestic violence and works in domestic violence advocacy, the practice of law, law enforcement, or is the spouse of someone in these fields to be able to petition the court for a restraining order or injunction in a domestic abuse case in any county within a 100 mile radius of the county seat in which the petitioner resides. Under current law, the petitioner can only seek a restraining order in the county that the cause of action arose or which the petitioner or respondent lives or where they temporarily reside.

While domestic violence is devastating to its victims, difficulty getting help and obtaining legal services can compound the personal trauma to an affected individual. For those individuals that work in or around the field of domestic abuse advocacy, getting help when they themselves are being victimized can create unique challenges. They can often feel uncomfortable coming forward to seek help as they escape domestic abuse given the close professional ties they may have to others in the court system.

These victims often feel a sense of embarrassment or shame coming forward to colleagues. While it can be difficult in any circumstance, this legislation attempts to make it easier for these victims to come forward and get the help they need.

The companion to SB 476, AB 581, passed the Assembly on a voice vote in November.

testimony



To: Senate Committee on Judiciary and Public Safety
Date: January 11, 2018
From: Chase Tarrier, Public Policy Coordinator
Re: Support of SB 476

End Domestic Abuse WI
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Madison, Wisconsin 53704
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chaset@endabusewi.org

Dear Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to provide testimony regarding Senate Bill 476 (SB 476), which would change the venue requirements for actions growing out of domestic abuse, child abuse, and harassment for a specific category of petitioners. End Abuse is the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers throughout the state. We are very supportive of SB 476 and respectfully urge the Committee members to approve its passage.

In recent years, several high profile cases occurred in which domestic violence program advocates, directors or professionals working in the legal system were themselves the victim of domestic violence, and in the most extreme cases, victims of homicide. In 2013 the WI domestic violence advocacy community lost Trish Waschbisch, a tireless advocate and longtime friend to so many in the movement, at the hands of her abuser. The fact that someone so committed to eradicating domestic violence for the sake of others could at the same time be experiencing abuse speaks to the fact that victims working in or tangent to the movement to end domestic and sexual violence face unique barriers to safety that can have devastating consequences.

The decision for any victim of domestic violence to seek out resources and legal aid can be a traumatic and often dangerous one, but for this particular category of survivors, the ability to maintain anonymity during that process is paramount to their safety and well-being. Despite the common misconception that a victim who is also a victim's advocate should have easier access to protective services due to their intimate knowledge of the legal system and domestic abuse dynamics, the opposite tends to be true.

When judges, attorneys, clerks and other legal professionals in a particular county know a survivor as a victim advocate, allied professional or his or her spouse/partner or a colleague within that county's legal system, the survivor lacks anonymity and is less likely to come forward to seek help. SB 476 would institute additional protections for these victims in the form of a change of venue amendment to Chapter 801.50. This will allow eligible victims to seek legal remedies outside of the county in which they reside, offering them an additional degree of anonymity that can make the process of seeking assistance easier.

While this category of victim's may not be exceedingly large, ensuring that all survivors have access to often life-saving legal remedies is an important step towards eradicating domestic violence from our state, a cause to which Trish and so many other dedicated advocates have committed their lives over the years.

Thank you again for the opportunity to offer testimony today. I appreciate the Committee's thoughtful consideration of our concerns, and respectfully urge you to support this proposal.

You can feel free to contact me at chaset@endabusewi.org or 608.237.3985 with any further questions or concerns.