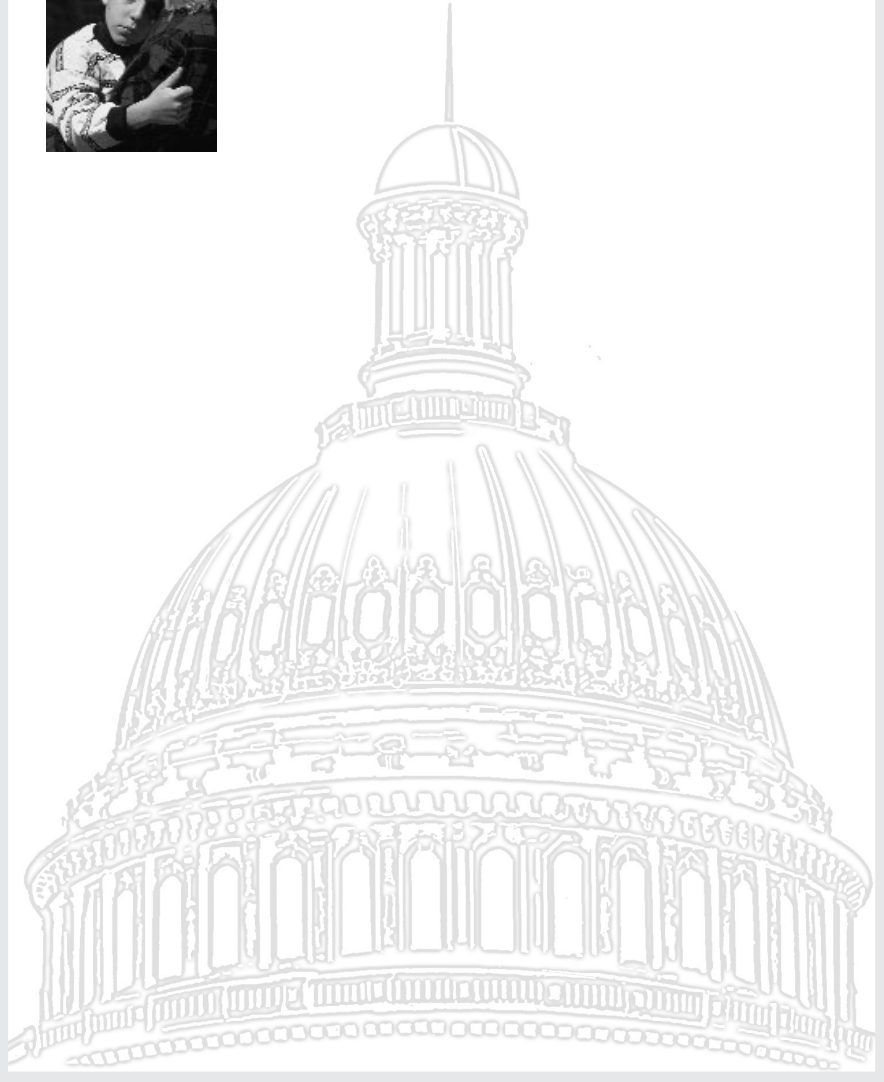


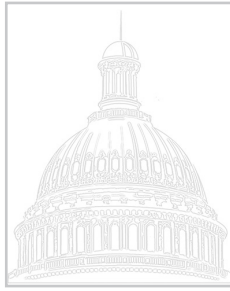
VOLUME 21



FAMILY VIOLENCE

LEGISLATIVE UPDATE

National Council of Juvenile and Family Court Judges
Joey Orduna Hastings, JD, Chief Executive Officer



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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FAMILY VIOLENCE

LEGISLATIVE UPDATE

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INTRODUCTION AND OVERVIEW

By Amanda Kay, 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.

In 2015, for the first time in recent years, the number of states engaged in efforts to enact and reinforce victim rights and protections edged out the number of states seeking to strengthen the criminal justice response to domestic violence. Also, while protection orders remained an active area of legislation in many states, the number of states addressing custody and family law matters and the number of states adding measures regarding training, education, and public awareness were just as high, again for the first time. Across all of these categories was a noted emphasis on technology, both its potential for increased dangers to victims and its utility in enhancing systems' responses to domestic violence. The picture emerging from the 2015 session suggests an attempt by states to balance the customary criminal and protection order provisions with efforts to address domestic violence in less traditional and sometimes more creative ways, offering a broader variety of protections for victims. In a continuing trend from recent years, state legislative action around domestic violence in 2015 also saw continued attention to civil sanctions for domestic violence and firearms restrictions.



Victim's Rights and Protections

A total of 27 states passed legislation that increased protections for victims in the areas of confidentiality, housing, employment, and public benefits. Victim confidentiality dominated the legislation aimed at protecting victims in 2015, with 17 states enacting statutes regarding protection of victims' personal information from the public. Five states adopted measures to improve protections in their address confidentiality programs (Colorado, Kentucky, Minnesota, Missouri, and Nevada), and Iowa enacted such a program. Three states addressed confidentiality in the voting context, either by protecting the voter's address from disclosure (California and Idaho) or by allowing the victim to cast an absentee ballot using the address provided by the program (Missouri). Three

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states (Alabama, Texas, and Washington) protected records of domestic violence and stalking programs from public disclosure, and California passed protections for shelter locations. Confidentiality for addresses of victims involved in child support enforcement proceedings was passed in three states (Idaho, Oklahoma, and Texas). Connecticut adopted legislation providing that recordings from body cameras worn by law enforcement during the response to domestic violence or sexual assault are not generally subject to disclosure. Arizona enacted a provision that limits disclosure of child welfare information necessary to protect the safety of a state employee investigating allegations of domestic violence to law enforcement and the court. And Oklahoma passed a measure to require the state health authority to coordinate with providers of counseling services to victims to ensure that information regarding such services is not sent by paper mail to the victim's physical address.

Two states addressed victim confidentiality through privileges barring disclosure of communications between a client and certain professionals. Oregon created a privilege for communications between a certified advocate and victims of domestic violence, sexual assault, or stalking, and Virginia extended its privilege to exempt advocates from mandatory reporting of campus sexual assault.

Attention to other rights and protections available to victims of domestic violence also persisted in state legislatures across the nation in 2015. Seven states (California, Hawaii, Louisiana, Maine, Montana, New York, and Oregon) passed or expanded housing protections afforded to victims of domestic violence, which included permitting early termination of a lease due to domestic violence (California, Hawaii, Louisiana, and Maine), prohibition of discrimination in housing (Louisiana, Maine, and New York), elimination or limitation of a victim's liability for property damage caused by domestic violence (Maine and Oregon), allowing the perpetrator to be removed from the lease and the victim to stay (Maine), and providing for replacement of locks by the victim or by the landlord at the victim's request (Hawaii and Maine). Montana adopted tax credits for hotels that provide emergency lodging for victims, and New York enacted a requirement that shelters permit victims to bring service or therapy animals with them.

Six states addressed the needs of victims with respect to employment. California and Oregon permit victims to use sick leave to seek treatment for injuries caused by domestic violence, to obtain services, or to seek legal relief,

INTRODUCTION AND OVERVIEW

such as a protection order. Georgia and Montana passed statutes providing that a victim who voluntarily leaves employment due to domestic violence had good cause and remains eligible for unemployment benefits, with Montana including an expanded period of benefits in such cases. Indiana adopted a measure prohibiting an employer from terminating an employee for seeking a protection order or based on the offender's actions. Maryland enacted a provision to protect small employers from losing access to medical stop-loss coverage by prohibiting insurers from excluding conditions arising out of acts of domestic violence.

Access to economic assistance in the form of public benefits, primarily temporary assistance to needy families (TANF), and victim compensation was a focus for seven states in 2015. Two states increased or prevented the reduction of time limits on TANF benefits or applications (Kansas and Missouri), and victims were exempt from TANF work requirements in New York and Oregon. South Carolina ordered a study to examine whether a survivor may apply for childcare vouchers to allow participation in relevant court hearings and expanded eligibility for victims of crime compensation to include children who witnessed a domestic violence offense. California passed a measure stating that a victim would not be deemed not to have cooperated based on conduct with law enforcement at the scene or any delay in reporting the crime, and Florida expanded relocation assistance to include trafficking victims.

Various other efforts to increase assistance to and protections for victims were undertaken by eight states. Alabama allocated additional resources for domestic violence services, and Indiana added domestic violence services to its 211 system. Louisiana and Oklahoma established family justice centers to provide co-located, easily accessed services for victims, and Texas launched a new effort calling for multidisciplinary teams in high-risk domestic violence cases to coordinate victim safety and to monitor perpetrators. California enacted a measure prohibiting a person who had served a stalking sentence from being released within 35 miles of the victim; it also specified persons who were required to complete forms for U-visa petitioners. Colorado requires health care providers to report injuries if they have reason to believe they resulted from a crime, including domestic violence. Florida reduced the waiting period for termination of a pregnancy when domestic violence, rape, incest, or trafficking is shown, and Texas passed a measure prohibiting funeral service providers from allowing a person charged with a crime of family

violence in connection with a decedent's death from controlling the disposition of the remains.



Reinforcing the Criminal Justice Response to Domestic Violence

State legislatures maintained a strong emphasis in 2015 on addressing the criminal justice response to domestic violence, with 25 states passing legislation to expand definitions of domestic violence crimes, enact new offenses, and provide for enhanced sentencing. Five states (Connecticut, Kentucky, Nevada, Oregon, and Texas) passed legislation that established new domestic violence-related crimes. Four states (Alabama, Georgia, Louisiana, and Washington) expanded the definitions of crimes associated with domestic violence, and nine states (Alabama, California, Louisiana, Montana, New Hampshire, South Carolina, South Dakota, Texas, and Utah) enhanced the penalties for domestic violence crimes.

Reflecting an increased focus on the effect of technology on domestic violence, three states created new offenses in this area, with Kentucky and Texas passing legislation to make it a crime to tamper with a global positioning satellite (GPS) device placed as part of a pretrial release or protection order and Connecticut establishing the crime of electronic stalking. Oregon enacted a statute creating the offense of endangering a person protected by a protection order, a felony, when a person intentionally violates the order and recklessly creates a substantial risk of physical injury or places the protected person in fear of imminent physical injury. Nevada passed legislation setting forth criminal penalties for a parent who willfully conceals, removes, or relocates with a child without the other parent's consent or court order, unless the actions were taken to protect the parent or child from domestic violence.

Eight states (Alabama, California, Louisiana, New Hampshire, South Carolina, South Dakota, Texas, and Utah) took legislative action that increased penalties (or disallowed reduced penalties) for conviction of domestic violence crimes, particularly for repeated offenses or violation of protection orders. Montana adopted an aggravating factor for human trafficking offenses if the victim was recruited, enticed, or obtained at a domestic violence shelter. Texas passed legislation requiring restitution if a child witnessed a family violence offense. And Utah enacted a measure to prohibit the court from accepting a guilty or no-contest plea to a domestic violence offense unless the defendant has no criminal history of domestic violence and the prosecutor agrees to the plea

INTRODUCTION AND OVERVIEW

after examining the defendant's criminal history.

Six legislatures (Alabama, Hawaii, Kentucky, Louisiana, South Carolina, and Washington) expanded the powers of law enforcement in responding to domestic violence. Two states, Louisiana and Washington, permit law enforcement to obtain location information from a wireless telecommunications provider for a cell phone used to make the call. Three states (Alabama, Kentucky, and South Carolina) expanded law enforcement's authority to arrest without a warrant when responding to a domestic violence situation. Finally, Hawaii expanded the period of time an officer may require a person who the officer believes to have committed domestic violence to stay away from the premises.

Thirteen states strengthened provisions regarding conditions of pretrial release, bail, and bond proceedings in 2015 while two states expanded the evidence that may be admitted in certain proceedings. A variety of other provisions designed to enhance the criminal response to domestic violence were also passed.

A key topic addressed in pretrial release condition legislation was no-contact orders, with six states (Colorado, Florida, Montana, Oregon, South Carolina, and Texas) enacting or reinforcing the protections offered to victims. Another common type of provision, passed in three states and one territory (Alabama, Maine, Texas, and U.S. Virgin Islands), requires notice to survivors of their rights and of events in the criminal case, including when the perpetrator is released. Five states (Arizona, Kentucky, Louisiana, Maine, and South Carolina) require the court to consider risk and lethality factors when deciding whether to grant bail. Tennessee provides that a person arrested for stalking must not be released for at least 12 hours, with a limited exception.

Nevada passed a measure permitting a victim's hearsay statement to be admitted at preliminary proceedings before a magistrate or grand jury when the defendant is charged with domestic violence resulting in substantial bodily harm. Meanwhile, Texas adopted a statute allowing each party in the prosecution of a family violence offense to offer testimony or evidence of all relevant facts, including the nature of the relationship between the victim and the defendant.

Other provisions passed in 2015 encompassed myriad protections for survivors of domestic violence. Alabama mandates courts to take steps to ensure the

victim and defendant have no contact while waiting for court, even if the court lacks separate waiting areas. Arizona requires the defendant's fingerprint to be on the judgment of conviction. Connecticut revised its provisions governing the family violence intervention unit and diversion/education program. New York requires law enforcement responding to a family violence call to translate a victim or witness statement and requires that victims be notified of their rights in their native language, with training provided to law enforcement on compliance with these provisions. Similarly, Tennessee enacted legislation prohibiting law enforcement officers from using a parent or family member as an interpreter when they investigate possible domestic abuse that a hearing-impaired child may have witnessed. Oklahoma established a five-year pilot program for an integrated domestic violence court, including criminal and juvenile, protection order, divorce, and custody cases involving domestic violence. South Carolina requires any pretrial intervention program for a domestic violence offender to include a written agreement for successful completion of an approved batterer intervention program.



Orders of Protection

A total of 20 state legislatures addressed protection orders, with the majority of legislative measures aimed at expanding access to protection orders for victims and enhancing enforcement.

Ten states expanded access to protection orders by broadening victim eligibility and addressing common barriers to obtaining protection orders. Five states (Alabama, California, Kentucky, Louisiana, and Maryland) expanded provisions regarding who is eligible for protection orders, including when the defendant is incarcerated (California), when the parties were in a dating relationship (Kentucky and Louisiana), and when the parties had a sexual relationship within the past year (Maryland). Oregon passed a measure permitting a petition to be supported by a “declaration under penalty of perjury” in addition to an “oath or affirmation.” New York and Texas improved access by taking advantage of available technology, with New York allowing petitions to be filed electronically and hearings to be conducted by audio-visual means while Texas now permits digitized signatures on petitions. Kentucky enacted a provision requiring 24-hour access to protection orders.

Four states (Kentucky, Maryland, New York, and Texas) increased the possible duration of protection orders in certain circumstances, for example, following a conviction for stalking or sexual assault (Kentucky, up to 10 years), conspiracy or solicitation to commit murder (Maryland, permanent), or sexual assault

INTRODUCTION AND OVERVIEW

(New York, up to 10 years). Texas enacted legislation automatically extending a protection order for an additional one or two years after the defendant's release from prison, depending on the length of incarceration.

Two states (Louisiana and Kentucky) expanded the evidence a court may consider in deciding whether to issue a protection order. In Louisiana, the legislature adopted a provision requiring the court to consider all past history of abuse or threats, regardless of how long ago. Kentucky passed a measure allowing the court to access the respondent's criminal and protective order history before or at a hearing on a protection order, with the proviso that testimony at the protection order hearing is not admissible in any criminal case except for impeachment.

Five jurisdictions expanded the role of law enforcement in providing assistance to victims when responding to a domestic violence call. Alabama and Kentucky require officers to help victims in obtaining medical treatment, and those states as well as Maine and the U.S. Virgin Islands passed legislation requiring law enforcement to notify victims of their rights and of the availability of protection orders. Maine also requires law enforcement to help victims safely retrieve property. Oregon enacted a provision allowing a law enforcement officer to apply for an *ex parte* protection order if the officer has probable cause to believe a person is in imminent danger of abuse. Finally, two states (Connecticut and Maine) enhanced provisions for service of protection orders.

The enforcement of protection orders continued to be a priority for legislatures in 2015. Nine states enacted provisions that expanded powers of enforcement, strengthened sanctions for the violation of protection orders, or enhanced provisions designed to ensure protection orders are accorded full faith and credit. Alabama, Louisiana, and New Hampshire increased penalties, and Alabama, Kentucky, and Mississippi expanded law enforcement's authority to arrest for protection order violations. California passed a statute requiring proof of registration and attendance when a batterer intervention program is ordered. Six states (Alabama, Georgia, Kentucky, Maryland, Mississippi, and Nevada) adopted measures specifically addressing full faith and credit, both for the state's orders sought to be enforced elsewhere and for other jurisdictions' orders sought to be enforced within the state.

Legislation regarding special protection orders was passed in four states, with California expanding its gun violence protection order to include ammunition

while two other jurisdictions established protection orders for sexual assault (Missouri), stalking (U.S. Virgin Islands), and harassment (U.S. Virgin Islands). Oregon passed a statute clarifying that no filing fee is due for stalking protection orders.

Six states adopted provisions expanding the remedies available in protection orders. Alabama and Kentucky expanded their definitions of the contact that may be prohibited while Kentucky also added the remedies of child custody and child support as well as permitting the court to order GPS monitoring. In another example of the attention given to technology in 2015, California and Hawaii both enacted provisions granting courts authority to require cell phone providers to transfer responsibility for a cell number in accordance with the court's order. California also added a provision allowing the inclusion of pets in a protection order. Maryland passed a catchall provision, allowing the court to grant any relief necessary to protect the petitioner. Maine expanded the type of weapons that may be prohibited to include muzzle-loaded weapons, bows, crossbows, or any other dangerous weapon.



Parenting Time (Custody) and Divorce

Twenty states passed laws addressing parenting time and divorce, particularly in the context of abuse, representing an increase from recent years. Most of the provisions that were adopted apply in divorce and custody cases between parents, but several concern guardianships and non-parent placement.

Minnesota and Texas both amended their statutes setting forth their best interest of the child factors, specifically addressing domestic violence as a factor to be considered by courts. Minnesota also adopted a rebuttable presumption against awarding custody to an abuser and provided specific guidance for when the presumption is rebutted. Nevada, in a reorganization of its child custody statutory structure, readopted its rebuttable presumption against awarding custody to an abuser, but the readopted provision is in tension with a newly adopted presumption favoring joint custody in most cases, particularly since the domestic violence presumption requires a higher standard of clear and convincing evidence to be invoked.

Myriad provisions adopted by several states require courts presiding over custody and divorce cases to consider domestic violence in different ways. California enacted a measure providing that a parent does not receive relief

from a child support obligation if the parent is incarcerated for a domestic violence offense, and another measure provides that domestic violence is a factor to consider in determining spousal support. Connecticut created a procedure for a joint petition for divorce, but only if no domestic violence was present in the relationship, while Oregon passed a requirement that a dissolution petition disclose the existence of any protection orders between the parties. Oklahoma enacted a waiver from a mandatory parenting class if the parent is a victim of domestic violence. Louisiana adopted a provision limiting the court's consideration to violence that occurred during the marriage, but if found, the court may award costs and attorney fees as the perpetrator's separate obligation. Michigan adopted two provisions requiring third parties appointed by the court to screen and account for domestic violence in specific ways, including a "friend of the court," who must screen for domestic violence and protection orders and consider safety when reviewing alternative dispute resolution options, and a parenting coordinator, who is required to consider the parties' history of domestic violence when making a recommendation, which must include at least as much protection as any existing order between the parties.

Two states expanded the information available to a court making decisions regarding children. Vermont enacted a measure permitting the child's attorney and the court, in any matter in which custody or parent-child contact is at issue, to have access to the redacted child protection file, with the requirement that any information must be kept confidential. Similarly, Washington adopted a provision allowing the court in a custody case to consult the judicial information system or related databases to determine the parties' criminal history or the existence of any other proceedings pending between the parties.

Uniform state laws regarding custody and divorce were adopted in five states in 2015. Three states (Minnesota, Nebraska, and South Carolina) passed uniform custody statutes for deployed parents while Montana adopted the Uniform Collaborative Law Act, including protections for domestic violence victims. Michigan enacted provisions from the Uniform Child Abduction Act, including protections for when a parent is seeking safety for the parent or child while avoiding domestic violence. Similarly, Nevada strengthened sanctions, including criminal penalties, for relocating with a child absent the other parent's consent or a court order, while providing that the sanctions do not apply when the parent was seeking to

protect the child or that parent from imminent harm and reported the matter to police or child welfare services as soon as possible.

Finally, five states (California, Colorado, Minnesota, Nevada, and New York) enacted provisions requiring the court to consider the domestic violence history of any person being considered for potential placement of a child, and Texas passed a measure allowing the court to limit access to a ward by a relative with a history of domestic violence. Texas also adopted a statute prohibiting a court in a child abuse and neglect matter from appointing a joint attorney for both parents if domestic violence was present in the relationship. Finally, legislation passed in Tennessee establishes that a person convicted of rape that resulted in a child has no parental rights as to that child.



Firearms

States continued to take legislative action to limit access to firearms and ammunition for individuals convicted of domestic violence-related crimes. Six states (Alabama, Maine, Nevada, Oregon, South Carolina, and Vermont) passed legislation imposing or facilitating restrictions on the possession of firearms for those convicted of domestic violence offenses, with South Carolina requiring specific findings for lower level offenses. Five states (Alabama, Louisiana, Nevada, South Carolina, and Oregon) adopted measures prohibiting a person subject to a protection order from owning or possessing firearms, with South Carolina and Oregon requiring specific findings. California enacted a statute adding ammunition to the prohibitions in its gun violence protection orders, and Oregon also included prohibitions on ammunition in its measures on this issue adopted in 2015. Legislation in Idaho allows a law enforcement officer to issue a domestic violence victim an emergency concealed weapon permit and prohibits such a permit from being issued to the offender. Texas adopted a provision suspending the handgun permit of a person subject to a protection order. And Washington enacted a measure requiring a victim or family member who provides an incident or case number to be notified when a firearm is returned.



Civil Sanctions for Domestic Violence

States continued to impose civil consequences for domestic violence in 2015, with 11 states enacting such measures, primarily regarding limits on the expungement of criminal records. Six states passed legislation concerning the ability of a person convicted of domestic violence offenses to expunge the record, with three states (Louisiana, Michigan, and Texas) prohibiting expungement and three states (New Hampshire, Rhode Island, and South Carolina) setting restrictions such as a time limit or requiring no other criminal offenses. Conversely, Tennessee adopted a measure allowing a person required to register as a sex offender solely due to a conviction for aggravated prostitution to petition for relief from the requirement based on the person's status as a victim of trafficking or domestic abuse.

Two states adopted laws providing for professional discipline based on criminal proceedings for domestic violence offenses, with Arizona establishing a private investigator's arrest or conviction for domestic violence as grounds for professional discipline and Oklahoma enacting a provision stating that a police or peace officer who tenders any plea other than "not guilty" to a domestic violence offense is subject to disciplinary action and revocation of the officer's certificate. In addition, Hawaii and Maine adopted measures permitting a landlord to seek civil damages from a perpetrator for a victim's early termination of a lease due to domestic violence.



Training and Awareness

Expanding on a trend started in 2014, 20 states passed measures in 2015 requiring domestic violence training and education for schools and professionals, setting standards for programs such as batterer intervention programs, and establishing or enhancing public awareness and prevention efforts. Five states (Alaska, California, Oregon, South Carolina, and Tennessee) adopted statutes requiring or encouraging domestic and dating violence education in middle and high schools, with New York requiring colleges and universities to adopt policies and procedures regarding sexual assault, dating violence, domestic violence, and stalking. Nevada authorized the establishment of an educational program for the prevention of domestic violence and services for victims. Four states (Arizona, Connecticut, Louisiana, and Maine) enacted measures setting standards for batterer intervention programs while six states passed domestic violence training requirements for a variety of professionals: teachers (Alaska);

childcare providers (California); alcohol and drug counselors (Kentucky); guardians *ad litem*, parenting coordinators, custody evaluators, and any professional appointed as a court expert (Oklahoma); any employee of the Department of Human Services who works with persons receiving benefits (Oregon); and adoption evaluators (Texas). Eight states (Connecticut, Hawaii, Minnesota, Nevada, South Carolina, Texas, Virginia, and Washington) established or enhanced task forces to review and report on topics related to domestic violence such as data gathering and statistics, fatality review, domestic violence in specific cultural groups, research on promising practices, and prevention and services programs, as well as to enhance the operation of such programs.



Our Appreciation

The NCJFCJ's Family Violence and Domestic Relations Program extends its sincere thanks to all of 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.

2015 STATE LEGISLATION*

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

* This chart represents only legislation passed during the 2015 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.

2015 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
		X	X

2015 STATE LEGISLATION*

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

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2015 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		

2015 STATE LEGISLATIVE TRENDS*

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

* This chart represents only legislation passed during the 2015 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.

2015 STATE LEGISLATIVE TRENDS*

VICTIM RIGHTS AND PROTECTIONS	CUSTODY AND DIVORCE	FIREARMS	CIVIL SANCTIONS FOR DV	TRAINING AND AWARENESS
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			

2015 STATE LEGISLATIVE TRENDS*

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

* This chart represents only legislation passed during the 2015 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.

2015 STATE LEGISLATIVE TRENDS*

VICTIM RIGHTS AND PROTECTIONS	CUSTODY AND DIVORCE	FIREARMS	CIVIL SANCTIONS FOR DV	TRAINING AND AWARENESS
	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				



LEGISLATIVE SESSION:

Annual. The regular session convened March 3, 2015, and adjourned June 4, 2015. The special session convened July 13, 2015, and adjourned August 11, 2015.

DEFINITIONS:

§ 13A-6-138 is amended to delete the definition of a “qualified relationship” for purposes of domestic violence, in favor of the new provision enacted as § 13A-6-139.1.

§ 13A-6-139.1 is enacted to create a comprehensive definition of “domestic violence” as arson, assault, attempt, child abuse, criminal coercion, criminal trespass, harassment, kidnapping, menacing, other criminal conduct, reckless endangerment, sexual abuse, stalking, theft, or unlawful imprisonment, when the victim is related to the defendant by marriage, including common law marriage, a former marriage or common law marriage, has a child in common, has or had a dating relationship, current or former household member (meaning a person maintaining or having maintained a living arrangement while engaged in a romantic or sexual relationship), a relative of a current or household member who also lived with the defendant, or a parent, stepparent, child, or stepchild who is in or has maintained a living arrangement. Amendments to several other domestic violence statutes were made to incorporate by reference the new definition: §§ 13A-6-130, 13A-6-131, 13A-6-132, 13A-6-134, 13A-6-138, 15-10-3, 15-13-190, and 15-23-68.

§ 30-5-2 is amended:

- To define “domestic violence” in the same manner as newly enacted § 13A-6-139.1;
- To define “dating relationship” as a significant relationship of a romantic or intimate nature characterized by the expectation of affectionate or sexual involvement over a period of time and on a continuing basis during the relationship, including any period of engagement to be married, but not including a casual or business relationship or a relationship that ended more than 12 months prior to filing a petition for a protection order; and

- To define “victim” in the same manner as newly enacted § 13A-6-139.1.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13A-6-134 is amended:

- To provide that a law enforcement officer responding to a domestic violence complaint may arrest the person determined by the officer to be the primary aggressor, but a person who acts in a reasonable manner to protect himself or herself or another family or household member from domestic violence may not be arrested for first-, second-, or third-degree domestic violence;
- To add to the list of factors for the officer to consider in identifying the primary aggressor whether the person had reasonable cause to believe he or she was in imminent danger of becoming a victim of any act of domestic violence;
- To require the law enforcement officer to give a victim of domestic violence notice of the legal rights and remedies available, including a plain language summary of the Protection from Domestic Violence Act and the statewide domestic violence hotline number; and
- To provide immunity for a law enforcement officer in any civil action filed by any party for an arrest based on probable cause, enforcement of a court order, or service of process arising from an alleged incident of domestic violence.

§ 15-10-3 is amended to provide that when a law enforcement officer arrests a person for domestic violence in violation of a protection order, the person must be held in custody until brought before the court as soon as possible for the purpose of enforcing the protection order and for consideration of bail.

§ 15-13-190 is amended:

- To expand the time within which a person arrested for domestic violence in violation of a protection order must appear before a judge or magistrate from 12 hours to 24 hours;
- To incorporate the newly enacted definition for “contacting” the victim (see § 30-5-7 below);

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- To require law enforcement to provide a copy of a written order for conditional release of a domestic violence defendant to the victim within 24 hours, so long as the victim has given current and accurate contact information;
- To require the court to consider revocation of probation, conditional release, or bail when a person is arrested on a probation violation, violation of conditions of release, or violation of a protection order, and if the court orders continued probation, conditional release, or bail, it shall order additional conditions to protect the victim or person protected by a protection order; these additional conditions must be included in a written order; and
- To provide for enhanced penalties for willful violation of a pretrial release condition when the original arrest was for domestic violence.

§ 15-23-68, which requires courts to provide a waiting area for victims separate from the defendant, relatives of the defendant, and defense witnesses, if available and practical, is amended to require the presiding circuit judge in courts where no separate waiting area is available to create procedures to ensure no contact between a domestic violence defendant and victim.

§ 11-45-9 is amended to provide for enhanced sentencing for Class A misdemeanor domestic violence violations of a municipal ordinance, of up to a \$5,000 fine and one year in prison.

FAMILIES AND CHILDREN:

§ 30-3-9 is enacted to provide that a military deployment may not be considered by the court as the sole factor when deciding custody or visitation of a child.

ORDERS FOR PROTECTION:

§ 13A-11-72 is amended to provide that a person who has been convicted of committing or attempting to commit a crime of violence, has been convicted of a misdemeanor offense of domestic violence or is subject to a valid protection order for domestic

violence shall not own a firearm or have one in his or her possession or control.

§ 13A-11-76 is amended to prohibit a person from delivering a pistol to, among others, a person convicted of a misdemeanor who has been convicted of committing or attempting to commit a crime of violence, has been convicted of a misdemeanor offense of domestic violence or is subject to a valid protection order for domestic violence. This prohibition does not apply if this person has his or her firearm rights restored by operation of law.

§ 15-10-3 is amended to provide that when a law enforcement officer arrests a person for domestic violence in violation of a protection order, the person must be held in custody until brought before the court as soon as possible for the purpose of enforcing the protection order.

§ 30-5-3 is amended to provide that a petition for a protection order may be filed where the plaintiff or defendant resides, where the plaintiff is temporarily located after having left a prior residence to avoid further abuse, where the abuse occurred, or where a civil matter between the parties is pending.

§ 30-5-5 is amended:

- To specify those who have standing to file a petition for a protection order as a person who is 18 or emancipated and is a victim of abuse or has reasonable cause to believe he or she is in imminent danger of becoming a victim of abuse;
- To allow a parent, legal guardian, or next friend to file a petition on behalf of a minor child or person who is prevented by physical or mental disability from seeking a protection order;
- To set forth requirements for a petition on behalf of a minor child, including a requirement that a parent, stepparent, or guardian filing such a petition has been an eyewitness, or has direct evidence or affidavits from eyewitnesses, of the facts and circumstances forming the basis for the petition; any other person filing on a minor's behalf must have reasonable cause to believe that the minor child is a victim of abuse; and

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- To permit the court to enter a protection order protecting the victim's immediate family.

§ 30-5-6, which set forth procedures for protection orders, is deleted in its entirety.

§ 30-5-7 is amended:

- To define "contacting" for purposes of protection order prohibitions as follows: "contacting" includes, but is not limited to, communicating with the victim verbally or in any written form, either in person, telephonically, electronically, or in any other manner, either directly or indirectly through a third person";
- To provide that a protection order may restrain a defendant from going within 300 feet of the victim's residence, even if the residence is shared with the defendant;
- To permit the court to include in the protection order a prohibition on the defendant removing any of the plaintiff's children from the court's jurisdiction; and
- To set forth mandatory language for protection orders, specifying that (1) the order is valid and enforceable in all counties throughout the state; (2) law enforcement may use arrest powers to enforce the order; and (3) the court has jurisdiction over the parties and the matter and the defendant was given reasonable notice and opportunity to be heard sufficient to protect the defendant's due process rights.

§ 30-5-8 is amended to require that:

- Notice of hearing on a protection order or any protection order be sent to the plaintiff within 24 hours of issuance and may be sent electronically, provided the plaintiff gave current and accurate contact information;
- Notice of hearing and any order entered be served on the defendant as soon as possible;
- Certain information in any protection order be entered in the Protection Order Registry and electronically transmitted to the Alabama Law Enforcement Agency for entry into the National Crime Information Center (NCIC), the National Law

- Enforcement Telecommunication System (NLETS), and the Law Enforcement Tactical System (LETS);
- Within 24 hours after issuance of a protection order, written proof of service and the order be forwarded to the Protection Order Registry and electronically transmitted to the Alabama Law Enforcement Agency for entry into the NCIC, the NLETS, and the LETS;
 - The Alabama Law Enforcement Agency develop an automated process for a plaintiff to request notification of service of the protection order and any other court actions related to the protection order; the plaintiff's contact information is exempt from public records laws; and
 - A fine of \$50 be imposed for any violation of a protection order, in addition to any other fine or penalty, which additional funds are transferred to the State Domestic Violence Trust Fund.

PREVENTION AND TREATMENT:

§ 30-6-1 is amended to define certain terms related to the Alabama Coalition Against Domestic Violence (ACADV).

§ 30-6-2 is amended to modify substantially the legislative statement of purpose to reflect its intention of providing critical services to victims, expanding such services, and preventing domestic violence by determining the root causes.

§ 30-6-3 is amended to revise the duties of the Director of the Department of Economic and Community Affairs related to, among other things, evaluating applications for and awarding funds to domestic violence centers, permitting the director to inspect centers applying for funds, developing and coordinating domestic violence programming in the state, promoting training on domestic violence, contracting with the ACADV or other qualified entity for training and technical assistance services to centers, and managing the Domestic Violence Trust Fund.

§ 30-6-4 is amended to revise the duties of the ACADV or other qualified entity, including recommending certification qualifications for domestic violence centers, helping to evaluate centers,

conducting statewide training and technical assistance, making recommendations regarding batterers' intervention programs, and assisting in other matters related to domestic violence programs.

§ 30-6-5 is amended to:

- Modify the annual reporting requirements for the ACADV, including statistics regarding domestic violence in the state, the numbers served by domestic violence centers, and other related information; and
- Establish annual reporting requirements for the Alabama Law Enforcement Agency, in collaboration with the ACADV and the domestic violence fatality review team, regarding fatalities and near fatalities, statistics for the warrantless arrest policy and occurrences of domestic versus non-domestic violence crimes, and make policy and other recommendations.

§ 30-6-6 is amended to modify the requirements to be met by a domestic violence center that seeks or receives state funding or certification, including mandatory services to be offered, exemptions from any mandatory services, training for staff, confidentiality policies, and compliance with rules.

§ 30-6-7 is amended to set a maximum level of funding for the Department of Economic and Community Affairs for domestic violence center certification and administration of center funding and to require periodic financial audits by domestic violence centers.

§ 30-6-8 is amended to modify the confidentiality provisions applicable to domestic violence centers and the Director of the Department of Economic and Community Affairs, specifying that identifying information regarding clients or a center's location is exempt from generally applicable provisions permitting public inspection of state records.

§ 30-6-9 is amended to require a law enforcement officer who investigates an alleged incident of domestic violence to assist the victim with obtaining transportation for medical treatment, if needed, and to advise the victim that a domestic violence center is available to provide services.

§ 30-6-10 is amended to permit the Secretary of the Alabama Law Enforcement Agency to adopt rules necessary to implement provisions related to the duties of law enforcement under this chapter.

§ 30-6-11 is amended to create the Domestic Violence Trust Fund with the specific purpose of funding domestic violence centers, with funds to be generated through specified criminal fines and a portion of marriage license and documentation fees.

§ 30-7-1 is amended to require that the ACADV assist the Director of the Department of Economic and Community Affairs in setting standards for domestic violence centers for membership in the coalition, and further, that if the ACADV ceases operations or is otherwise ineligible for federal funding, the Director may designate another entity to fulfill its duties.

§ 30-7-2 is amended to modify minimum standards for domestic violence for membership in the coalition.

§ 30-7-3 is amended to provide that a domestic violence center that is certified for membership in the ACADV by the Department of Economic and Community Affairs is eligible to receive funds from the Domestic Violence Trust Fund or other state funds.

§ 30-7-4 is amended to provide that a certified domestic violence center may receive funds from the Department of Economic and Community Affairs, that the department may pay its actual administrative costs up to a maximum percentage of the Domestic Violence Trust Fund, and that the ACADV may pay its administrative costs up to a maximum percentage or dollar amount of state fund appropriation.

§ 30-7-5 is amended to assign responsibility to allocate funds to domestic violence centers to the Department of Economic and Community Affairs.

§ 30-7-6 is amended to provide that the Director of the Department of Economic and Community Affairs, in consultation with the

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ACADV, is to establish content for batterers' intervention programs and certify staff of such programs; to provide that funding for such programs is to come from fees and government funding sources; and to prohibit courts from referring victims or their family or household members to batterers' intervention programs, and to refer only adjudicated perpetrators of domestic violence.

§ 30-9-1 is amended to add the Alabama Law Enforcement Agency to those entities on the domestic violence fatality review team.

§ 30-9-2 is amended to permit the establishment of local and regional level fatality review teams and to provide for their membership and leadership; to provide immunity to members, witnesses, and investigators of the review team; and to modify provisions regarding confidentiality and privilege against testifying relating to the review team.

§ 41-23-150 is enacted to provide for a Domestic Violence Capital Improvement Grant Program, to provide funding for domestic violence centers to make capital improvements in accordance with specified standards and procedures.

§ 12-17-235 is enacted to establish the position of Domestic Violence Resource Prosecutor at the Office of Prosecution Services, whose duties include training prosecutors, law enforcement, and domestic violence shelters on laws related to domestic violence; serving as a liaison between shelters, law enforcement, and prosecutors; advocating for victims; and other duties as assigned.

§ 45-36-80.03 is enacted to provide for an additional court cost of \$35 in domestic violence cases in Jackson County circuit, district, and municipal courts, to be used to operate the domestic violence shelter in that county.

LEGISLATIVE SESSION:

Annual. The regular session convened January 20, 2015, and adjourned April 28, 2015. The first special session convened April 28, 2015, and adjourned May 21, 2015. The second special session convened May 21, 2015, and adjourned June 11, 2015. The third special session convened October 24, 2015, and adjourned November 4, 2015.

PREVENTION AND TREATMENT:

§ 14.20.020 is amended to add a new subsection providing that to be eligible for a teaching certificate, a person must have completed training regarding dating violence and abuse awareness and prevention, among other things.

§ 14.30.356 is enacted to require that each school district adopt and implement a policy, establish a training program for employees and students, and provide parent notices relating to dating violence and abuse in grades 7 through 12, and further, to set forth requirements for policies and training.

§ 18.66.310 is amended to require that domestic violence training for school district employees be offered at least once every two years.



LEGISLATIVE SESSION:

Annual. The regular session convened January 12, 2015, and adjourned April 3, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13-607 is amended to add a domestic violence offense to the list of offenses, the conviction for which requires the defendant's fingerprint to be included in the judgment of guilt and sentencing document.

§ 13-3967, which governs the judicial officer's determination of bail or conditions of release, is amended to add, as a mandatory factor for consideration, the results of a risk or lethality assessment in a domestic violence charge.

FAMILIES AND CHILDREN:

§ 8-807, which governs confidentiality of child protection information and provides for an exception, to the extent consistent with federal law, for disclosure of information to help investigate and prosecute any violation involving domestic violence, is amended to require the Department of Child Safety (DCS) or a person who receives DCS information to provide such information to law enforcement and to a court to protect the safety of any employee of the department or attorney general's office employee or that employee's family.

PREVENTION AND TREATMENT:

§ 13-3601.01, which requires a judge sentencing a domestic violence defendant to order the defendant to complete an approved domestic violence offender treatment program, is amended to provide that, in addition to the department of health services or a probation department, the treatment facility may be approved by the court pursuant to rules adopted by the supreme court. In a separate bill, the statute was also amended to include the United States Department of Veteran Affairs as an entity that may approve a domestic violence offender treatment program.

§ 41-198, which concerns fatal or near-fatal domestic violence review teams, is amended to reflect the change in agency name from Child Protective Services to the Department of Child Safety.

MISCELLANEOUS:

§ 32-2457, listing grounds for disciplinary action against licensed private investigators, is amended to include being arrested for any offense, including domestic violence, the conviction for which is grounds for discipline.



LEGISLATIVE SESSION:

Annual. The regular session convened December 1, 2014, and adjourned September 11, 2015. A special session convened June 19, 2015, and adjourned March 10, 2016. A second special session convened June 19, 2015, and has not adjourned as of June 30, 2016.

CRIMINAL PENALTIES AND PROCEDURES:

§ 243 of the Penal Code is amended to provide that, upon conviction of battery against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, when the defendant was previously convicted of the same offense, the sentence must include at least 48 hours imprisonment, in addition to other penalties. The court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment and may, under these circumstances, grant probation or order the suspension of the sentence.

§ 3003 of the Penal Code is amended to provide that when a person who was convicted of stalking is released on post-release supervision, the person may not be released within 35 miles of the victim; if no placement within the county meets this restriction, the person may be placed in another county upon approval of the receiving county.

FAMILIES AND CHILDREN:

§ 4007.5 of the Family Code is repealed and reenacted to provide that a child support order is suspended, by operation of law, for any period exceeding 90 consecutive days in which the obligor is incarcerated or involuntarily institutionalized, unless the obligor has the means to pay or was incarcerated for either a domestic violence offense or the failure to pay child support.

§ 4320 of the Family Code is amended to require that a plea of *nolo contendere* to a domestic violence offense be included within the documented evidence of domestic violence the court must consider in determining spousal support.

§ 6347 of the Family Code is enacted:

- To permit the court to issue a separate order directed to a wireless telephone service provider, requiring the provider to transfer the billing responsibility for and rights to a specified wireless telephone number or numbers to the requesting party, with particular information to be included in the order to facilitate transfer, unless the provider notifies the requesting party within 72 hours that transfer is not possible due to circumstances specified in the statute;
- To provide that nothing in the statute prohibits the provider from applying its routine and customary requirements for account establishment or the court from apportioning the assets and debts of the parties or determining temporary use, possession, and control of personal property as provided by law; and
- To provide for immunity for the provider and its employees for any action taken in accordance with the terms of a court order issued under this section.

§ 1596.8662 of the Health and Safety Code is added to require training for all licensed child day care providers, administrators, and employees on detecting and reporting child abuse and neglect, including information on the psychological effects of repeated exposure to domestic violence.

§ 16519.5 of the Welfare and Institutions Code is amended, as part of a restructuring of the approval process for resource families for children (which includes foster families and relatives or extended family placement), to require that, as part of the permanency assessment of a resource family applicant, a caregiver risk assessment must include a history of family or domestic violence.

ORDERS FOR PROTECTION:

§ 18120 of the Penal Code is amended to provide that a person subject to a gun violence restraining order may direct that any ammunition surrendered to law enforcement be transferred to a licensed firearms dealer for the duration of the prohibition (in addition to existing law that permits such transfer for firearms).

§ 29830 of the Penal Code is amended to permit a person who is prohibited by a gun violence restraining order from owning or possessing a firearm or ammunition to transfer ammunition to a licensed firearms dealer for the duration of the prohibition (in addition to existing law that permits such transfer for firearms).

§ 33880 of the Penal Code is amended to provide that the city or county may impose a charge relating to the seizure, impounding, storage, or release of ammunition (in addition to existing law permitting such charges for firearms).

§ 136.2 of the Penal Code is amended to provide that when a defendant has been convicted of a crime involving domestic violence, the court may issue a protective order regardless of whether the defendant is sentenced to prison, jail, or mandatory supervision.

§ 527.6 of the Code of Civil Procedure, governing orders against harassment, is amended to:

- Permit the respondent, as a matter of right, one continuance of the hearing for a reasonable time in order to respond to the petition;
- Permit either party to request a continuance before or at the hearing, orally or in writing, which the court may grant for good cause; if granted, the temporary order remains in effect until the continued hearing unless otherwise ordered; and
- Provide that the court may grant the petitioner exclusive care, possession, or control of any animal in the petitioner's household or may order the respondent to stay away from the animal.

§ 527.8 of the Code of Civil Procedure, governing workplace restraining orders, is amended to permit the respondent, as a matter of right, one continuance of a hearing for a reasonable time in order to respond to the petition, and further, to permit either party to request a continuance before or at the hearing, orally or in writing, which the court may grant for good cause; if granted, the temporary order remains in effect until the continued hearing unless otherwise ordered.

§ 527.85 of the Code of Civil Procedure, governing restraining orders at postsecondary educational institutions, is amended to permit the

respondent, as a matter of right, one continuance of a hearing for a reasonable time in order to respond to the petition, and further, to permit either party to request a continuance before or at the hearing, orally or in writing, which the court may grant for good cause; if granted, the temporary order remains in effect until the continued hearing unless otherwise ordered.

§ 242 of the Family Code is amended to provide that if a hearing on a temporary restraining order is not held within 25 days, the court may hear the matter, but the temporary restraining order is no longer enforceable unless extended in accordance with § 245 (see below).

§ 243 of the Family Code is amended to provide that a respondent served with a temporary restraining order may file a response that explains or denies the allegations in the petition.

§ 245 of the Family Code is amended to permit the respondent, as a matter of right, one continuance of a hearing for a reasonable time, and further, to permit either party to request a continuance before or at the hearing, orally or in writing, which the court may grant for good cause. If a continuance is granted, the temporary order remains in effect until the continued hearing unless otherwise ordered, and further, if the court grants a continuance, the extended restraining order must state the new expiration date.

§ 6305 of the Family Code is amended to provide that, before a court may issue mutual orders of protection, each party must present written evidence of domestic violence in an application for relief using a mandatory form; written evidence in a responsive pleading is insufficient.

PREVENTION AND TREATMENT:

§ 51934 of the Education Code is amended to require that all pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education, to include information about local resources for assistance with sexual assault and intimate partner violence and information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

§ 6343 of the Family Code is amended to provide that, if the court orders a restrained party to participate in a batterers' program, the restrained party must:

- Register for the program within the time ordered by the court or, if no deadline is ordered by the court, within 30 days from the date the order was issued.
- Sign all necessary program consent forms for the program to release proof of enrollment, attendance records, and completion or termination reports to the court and protected party (or counsel); and
- Provide the court and protected party with the name, address, and telephone number of the program.

MISCELLANEOUS:

§ 2267 of the Election Code is enacted as part of the California New Motor Voter Program and provides that nothing in the program affects the confidentiality of a person's voter registration information, including that of a victim of domestic violence, sexual assault, or stalking.

§ 13956 of the Government Code is amended to provide that an application for victim of crime compensation by a derivative victim of domestic violence under 18 years of age must not be denied solely on the basis that the victim's application was denied, and further, to provide that a victim of domestic violence will not be determined to have failed to cooperate based on his or her conduct with law enforcement at the scene of the crime or solely due to a delay in reporting the crime.

§ 13957 of the Government Code is amended to provide, in pertinent part, that a domestic violence victim may be required to repay the relocation payment or reimbursement to the victim of crime compensation board if he or she violates the terms of relocation compensation by informing the offender of the new residence, permitting the offender on the premises, or failing to obtain a restraining order against the offender. Furthermore, upon expiration of the new location's rental agreement, the security deposit shall be in the name of and paid to the board.*

§ 62101 of the Government Code is enacted as part of a new statutory scheme governing community revitalization and investment and, in pertinent part, provides that recorded documents with covenants and restrictions on transfer placed on certain property need not include the property's street address if the property is used to house victims of domestic violence confidentially.

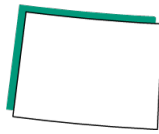
§ 62123 of the Government Code is enacted as part of a new statutory scheme governing community revitalization and investment and, in pertinent part, provides that a database of affordable housing, which includes street addresses and other information on such housing, must omit any property used to house victims of domestic violence confidentially.

§ 233 of the Labor Code is amended to incorporate provisions of the Healthy Workplaces, Healthy Families Act of 2014 to define permissible uses of sick leave and prohibit discrimination based on using sick leave, to include seeking medical or psychological attention due to the effects of domestic violence, obtaining necessary services such as safety planning or assistance from a domestic violence program, and seeking a protection order.

§ 1946.7 of the Civil Code, which permits a victim of domestic violence to terminate a lease, is amended to reduce the time for notification to the landlord to 14 days (formerly 30 days).

§ 679.10 of the Penal Code is enacted to specify entities and officials who must, upon request of a victim or a victim's family member, certify "victim helpfulness" on the federal Form I-918 Supplement B certification, used in petitions for U nonimmigrant status, when the victim was a victim of a qualifying criminal activity, which includes domestic violence, and has been helpful, is being helpful, or is likely to be helpful to the detection or investigation or prosecution of that qualifying criminal activity.

*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 January 7, 2015, and adjourned May 6, 2015.

FAMILIES AND CHILDREN:

§ 19-3-407 is enacted to require a county child welfare department, before placing a child in non-certified kinship care, to request local law enforcement to conduct a criminal background check of kin or any adult who resides at the home to determine if they have been convicted, among other crimes, of a felony for which the underlying factual basis includes an act of domestic violence.

§ 26-6-106.3 is enacted to require certification and annual recertification of foster care homes, including kinship foster care homes. Certification includes a background check that must include a determination of whether the applicant, employee, or any person who resides at the home has been convicted of, among other things, a felony for which the underlying factual basis includes an act of domestic violence.

ORDERS FOR PROTECTION:

§ 18-1-1001 is amended to provide that, before a defendant in a case involving domestic violence, stalking, or unlawful sexual behavior is released on bail, the court must state the terms of the protection order and require the defendant to acknowledge the terms in court and in writing prior to release.

PREVENTION AND TREATMENT:

§ 12-36-135 is amended to provide that every licensed health care provider who attends or treats injuries that the provider has reason to believe involves a criminal act, including domestic violence, must report the injury at once to the police or sheriff.

MISCELLANEOUS:

§ 18-9-313 is amended to provide that a state or local government official must not knowingly make available on the internet personal information about a participant in the address confidentiality program.

§ 24-30-2102 is amended to encourage private entities to protect participants in the address confidentiality program by seeking to prevent the disclosure of identifying information and actual address.

§ 24-30-2111 is amended to provide that a person shall not be compelled to disclose an address confidentiality program participant's actual address or identifying information, unless the court finds that disclosure is required in the interest of justice and the potential harm to the participant is substantially outweighed by the public interest in the disclosure and no alternative would satisfy that necessity.



LEGISLATIVE SESSION:

Annual. The regular session convened January 7, 2015, and adjourned June 3, 2015. The first special session convened June 29, 2015, and adjourned June 30, 2015. The second special session convened and adjourned December 8, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 46b-38c, which governs duties of the family violence intervention unit, is amended to provide that the unit's functions are to identify victim service needs, assess offenders to identify appropriate services, monitor compliance with program requirements by offenders allowed to participate in the pretrial family violence education program, and monitor offenders who have been referred to pretrial services or programs, and further, to provide that the judicial department may contract with victim and offender service providers.

§ 53a-181f is enacted to create the crime of electronic stalking, a Class B misdemeanor, which occurs when a person recklessly causes another person to fear reasonably for his or her physical safety by willfully and repeatedly using a global positioning system or similar electronic monitoring to determine or track remotely the other person's position or movement.

§ 54-56l is amended to provide that, if a person is ineligible for a supervised diversionary program because that person is eligible for the pretrial family violence education program, the court may permit the person to participate in the supervised diversionary program if it finds that program to be more appropriate under the circumstances of the case.

§ 54-56o is enacted to provide that for any family violence case that is not referred to the local family violence intervention unit, the prosecutor must not enter a *nolle prosequi* as to any family violence charge unless the prosecutor states the reasons in open court and, if the prosecutor's reasons for the *nolle prosequi* include the defendant's participation in a counseling or treatment program, a representation that such program complies with Domestic Violence Offender Program Standards Advisory Council program standards.

FAMILIES AND CHILDREN:

§ 46b-44a is enacted to create a non-adversarial dissolution of marriage procedure, to be commenced by filing a joint petition, wherein, among other things, the parties must attest, under oath, that no restraining order or protective order is in effect.

ORDERS FOR PROTECTION:

§ 53a-223b is amended to provide that a respondent to a restraining order is not criminally liable for a violation of such order if the respondent causes a document filed in a family relations matter to be served on the protected party in accordance with the law by mail or through a third party authorized by statute to serve process.

§ 53a-223c is amended to provide that a respondent to a civil protection order is not criminally liable for a violation of such order if the respondent causes a document filed in a family relations matter to be served on the protected party in accordance with the law by mail or through a third party authorized by statute to serve process.

PREVENTION AND TREATMENT:

§ 46b-38l is enacted to create the Domestic Violence Offender Program Standards Advisory Council, the purpose of which is to promulgate, review, and as needed, update and amend the domestic violence offender program standards.

Senate Bill 303 is enacted to establish a task force to study the state-wide response to family violence and to require that a report and recommendations be submitted by January 15, 2016.

MISCELLANEOUS:

§ 29-6d is enacted to provide that records created by a police officer using body-worn recording equipment at the scene of an incident that involves a victim of domestic or sexual abuse are not subject to disclosure, to the extent that disclosure of such record could reasonably be expected to constitute an unwarranted invasion of personal privacy.



LEGISLATIVE SESSION:

Annual. The regular session convened March 3, 2015, and adjourned May 1, 2015. The first special session convened June 1, 2015, and adjourned June 19, 2015. The second special session convened August 10, 2015, and adjourned August 21, 2015. The third special session convened October 19, 2015, and adjourned November 6, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 903.047 is amended:

- To require that a no-contact order issued as a condition of pretrial release be provided to the defendant before pretrial release;
- To provide that the no-contact order continues in effect for the duration of the pretrial release or until modified by the court; and
- To define “contact,” for purposes of this section, as a condition prohibiting a defendant from contacting the victim, which includes:
 - o Any form of communication, whether oral, written, telephonic, electronic, or any other manner, directly or indirectly, except that if the victim and defendant have children in common, a third person may be designated to facilitate the defendant’s contact with the children, and an attorney may contact the victim for lawful purposes, consistent with ethical rules;
 - o Physical or violent contact with the victim or the victim’s property;
 - o Being within 500 feet of the victim’s residence, even if the defendant and victim share the residence; and
 - o Being within 500 feet of the victim’s vehicle, place of employment, or a specified place frequented regularly by the victim.

§§ 741.29, 784.046, and 901.15 are amended to incorporate the new provisions of § 903.047.

PREVENTION AND TREATMENT:

§ 960.196 is enacted to provide for crime victim compensation awards to victims of human trafficking who need urgent assistance to escape or relocate from an unsafe environment, and further, to provide that relocation payments will be denied if the victim was previously approved or paid for relocation assistance under the domestic violence or sexual battery crime victim compensation provisions based on the same incident.

§ 960.198 is amended to provide that a domestic violence crime victim compensation claim for relocation assistance must be denied if the victim's claim under the human trafficking crime victim compensation provision was previously approved or paid.

MISCELLANEOUS:

§ 97.0585, subsection 3, which exempts the names, addresses, and telephone numbers of persons who are victims of stalking or aggravated stalking from disclosure as a public record, is transferred and renumbered to § 741.4651.

§ 390.0111, governing termination of pregnancies and requiring that certain information be provided to the pregnant woman, is amended to provide that the specified information must be provided in person and at least 24 hours before the procedure, unless she presents to the physician a copy of a restraining order, police report, medical record, or other court order or documentation evidencing that she is obtaining the abortion because she is a victim of rape, incest, domestic violence, or human trafficking, in which case the information may be provided within 24 hours of the procedure.

§ 383.402 is amended to provide for county or multi-county child abuse death review teams, which must include a representative of a certified domestic violence center.



LEGISLATIVE SESSION:

Annual. The regular session convened January 12, 2015, and adjourned April 2, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 16-11-39.1 is amended to change the name of the crime of “harassing phone calls” to “harassing communications” and to expand the conduct constituting the crime to include:

- Repeated contact via telecommunication, email, text messaging, and any other form of electronic communication for the purpose of harassing, molesting, threatening, or intimidating another person;
- Threats of bodily harm via telecommunication, email, text messaging, and any other form of electronic communication;
- Telephoning the other person and intentionally failing to hang up or disengage the connection; or
- Knowingly permitting any device under the person’s control to be used for any purpose prohibited by this section.

ORDERS FOR PROTECTION:

§ 19-13-51, in two separate bills, is amended:

- To replace the term “probation officer of the Department of Corrections” with “community supervision officer of the Department of Community Supervision” for purposes of defining “law enforcement officer” under the Family Violence and Stalking Protective Order Registry Act;
- To add a pretrial release or sentencing order as types of orders that meet the definition of “foreign protection order”; and
- To add a pretrial release or sentencing order to the types of orders issued by a Georgia court that qualify as a “protective order.”

§ 19-13-52 is amended to provide that the Georgia Protective Order Registry is to serve as a state-wide, centralized database for all protective orders in the state, with all orders or modifications thereof to be transmitted to the National Crime Information Network.

§ 19-13-53, which in pertinent part states that entry of a protective order in the registry is not a prerequisite for enforcement, is amended to delete the word “valid” as describing such protective orders.

§ 19-13-54 is amended to delete the word “valid” as describing foreign protective orders that may be filed with a Georgia court.

§ 19-13-56, which provides that the state and any local or state law enforcement officer, court official, or official of the registry shall be held harmless for any delay or failure to file a protective order, is amended to include immunity for any delay to file, transmit, or enter modifications of protective orders.

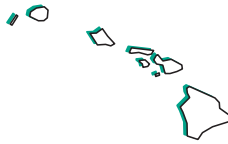
PREVENTION AND TREATMENT:

§ 19-13-10 is amended to reflect that responsibility for certifying family violence intervention programs is reassigned from the Department of Corrections to the Department of Community Supervision.

§§ 19-13-20, 19-13-21, and 19-13-22 are amended to reflect the formation of the Criminal Justice Coordinating Council and the transfer of responsibility for approving family violence shelters from the Department of Human Services to the Criminal Justice Coordinating Council.

§§ 19-13-31, 19-13-32, and 19-13-34 are amended to reflect that the Department of Corrections has been replaced on the State Commission on Family Violence by the Department of Community Supervision.

§ 34-8-194 is amended to provide that a person has good cause to terminate employment voluntarily and is not disqualified from receiving unemployment benefits if the person voluntarily left employment due to family violence. To establish good cause, family violence must be verified by reasonable documentation demonstrating that leaving the employer was a condition of receiving services or shelter from a family violence shelter or that such family violence caused the person to reasonably believe that continued employment would jeopardize the person’s safety or the safety of an immediate family member.



LEGISLATIVE SESSION:

Annual. The regular session convened on January 21, 2015, and adjourned May 7, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 709-906 is amended to define “business day” as any calendar day, except Saturday, Sunday, or any state holiday, and to provide that when a police officer orders a person the police officer reasonably believes to have inflicted the abuse to leave the premises for a period of separation, the period of separation begins when the order is issued and shall expire at 6:00 p.m. on the second business day following the day the order was issued.

ORDERS FOR PROTECTION:

§ 586-5.8 is enacted:

- To permit the court, when issuing a protection order, to require a wireless telecommunications service provider, without charge, penalty, or fee, to transfer the billing authority and all rights to the wireless telephone number or numbers of a shared wireless plan to a petitioner who has been granted an order for protection pursuant to this chapter, if the petitioner is not the account holder of the shared wireless plan, or to remove or release the petitioner from a shared wireless plan and assign a substitute telephone number or numbers;
- To require the order to be a separate order directed to the wireless telecommunications service provider and to include specific information regarding the account; and
- To provide that a wireless telecommunications service provider is not liable for any actions taken in accordance with such an order.

PREVENTION AND TREATMENT:

§ 52D-16 is enacted to require police departments to post their policies regarding domestic violence, officer-involved domestic violence, and standards of conduct on their official websites.

§ 321-472 is amended to include near-deaths and suicides in multidisciplinary and multiagency domestic violence fatality

reviews, to clarify that the purpose of such reviews is to reduce the incidence of preventable intimate partner homicides, and to make such reviews mandatory.

§ 321-473 is amended to require the domestic violence fatality review team to develop procedures related to near-deaths resulting from intimate partner violence and to provide for sharing of information regarding such incidences; to the extent possible, such reviews must commence no later than one year following the death, near-death, or suicide.

§ 321-475 is amended to provide that information collected by domestic violence fatality review teams shall be compiled for use in system reform efforts relating to the reduction of preventable deaths, near-deaths, and suicides resulting from domestic violence.

§ 521-81 is enacted to provide that:

- If a tenant who is a victim of domestic violence elects not to terminate the rental agreement under the previous section, the tenant may require the landlord to change the locks to the dwelling unit within three days;
- If the landlord fails to do so within that time period, the tenant may change the locks without the landlord's permission and provide the landlord with a key to the new locks, provided, however, that if the person who committed domestic violence is also a party to the rental agreement, the locks may not be changed unless the tenant furnishes a copy of a court order requiring the person to vacate the dwelling unit to the landlord;
- The tenant is not responsible for any additional rent, fees, or security deposit because of the exclusion of the person who committed domestic violence; and
- The person who committed domestic violence is not entitled to damages against the landlord or tenant who complies with this section in good faith.

§ 521-82 is enacted to provide that:

- If a court has ordered the person who committed domestic violence to vacate the dwelling unit, neither the landlord nor

- the tenant has any duty to allow the person access, unless accompanied by a law enforcement officer, or to provide the person with keys to the dwelling unit;
- If the person is a party to the rental agreement, that person's interest in the tenancy terminates upon issuance of the order, and the landlord and tenant are entitled to actual damages resulting from such termination;
 - The landlord is to return any security deposit upon termination of the rental agreement and surrender of the premises; and
 - The tenant is not responsible for any additional rent, fees, or security deposit as a result of the termination of the person's interest in the tenancy.

Senate Bill 387 establishes an affirmative consent task force, charged to review and make recommendations on the University of Hawaii's executive policy on sexual harassment, sexual assault, domestic violence, dating violence, and stalking; membership on the task force includes a representative from the Hawaii State Coalition Against Domestic Violence.

MISCELLANEOUS:

§ 269.16.93 is enacted:

- To require wireless telecommunications service providers to release, without charge, penalty, or fee, any victim of domestic violence from a shared or family wireless service contract involving the victim's abuser, provided that the victim submits an opt-out request in writing and with evidence of domestic violence as documented by a valid police report documenting an instance or series of instances of domestic violence, an order for protection, or a signed affidavit from a licensed medical or mental health care provider, employee of a court acting within the scope of their employment, or social worker; and
- To permit the victim to request a substitute or new phone number or alternative telecommunications service, which must be provided without charge, penalty, or fee within 24 hours of the request.

§ 521-80 is enacted:

- To permit a tenant who has been a victim of domestic violence within the previous 90 days to terminate a rental agreement of one year or less without penalty;
- To require that notice to the landlord be provided at least 14 days prior to termination, which must be no more than 104 days since the most recent act of domestic violence;
- To require that notice be accompanied by a copy of a protection order, a police report, or a conviction for domestic violence, and if the person who committed the domestic violence does not live with the tenant, a written statement from the tenant that the tenant reasonably believes that the person who committed the domestic violence knows the tenant's address;
- To provide that, if the tenant is solely liable on the rental agreement, it terminates on the date in the notice, and if multiple tenants are liable on the rental agreement, it remains in force as to the other tenants unless the landlord determines that the other tenants have not demonstrated an ability to pay, in which case the landlord may terminate the lease, without penalty to the other tenants, by providing notice at least 14 days in advance;
- To set forth details regarding the return of security deposits and prepaid rent;
- To prohibit disclosure of any information reported to the landlord under this section unless the tenant consents, the information is required or is relevant to a judicial action, or the disclosure is otherwise required by law;
- To allow the landlord to recover from the person who committed domestic violence against the tenant actual damages resulting from the tenant's exercise of rights under this section, and if that person is a party to the rental agreement, the landlord may allow the person to remain in the dwelling unit and hold the person liable for all future rents or may terminate the person's interest under the rental agreement by notifying them at least five days in advance and proceeding with eviction if the person does not vacate;
- To provide that a tenant who knowingly submits false evidence under this section is liable to the landlord for three months' rent

or threefold actual damages, whichever is greater, and costs and reasonable attorney's fees;

- To provide that the person who committed domestic violence is not entitled to damages against the landlord or tenant who complies with this section in good faith; and
- To provide that the tenant remains responsible for rent or other amounts owed to the landlord before termination under this section.

LEGISLATIVE SESSION:

Annual. The regular session convened January 12, 2015, and adjourned April 11, 2015. The special session convened and adjourned May 18, 2015.

FAMILIES AND CHILDREN:

§ 56-1003 is amended, as part of a bill revising the state statutes codifying the Uniform Interstate Family Support Act, to provide that the Director of the Department of Health and Welfare must develop safeguards to ensure the security of personal information and to prevent undue disclosure of such information. A statement of legislative intent indicates that location information must not be disclosed for a petitioner who is the subject of a protective order.

MISCELLANEOUS:

§ 18-3022 is repealed and reenacted to provide that:

- The sheriff of the county of the applicant’s residence or, if the applicant has obtained a domestic violence protection order, the sheriff of the county where the applicant is temporarily residing may issue an emergency concealed weapon license for good cause, pending review of a concealed weapon license application; and
- A concealed weapon license must not be issued to any person who is subject to a protection order restraining the person from harassing, stalking, or threatening an intimate partner or child of an intimate partner, or engaging in conduct that would place an intimate partner in reasonable fear of bodily injury.

§ 74-106 is enacted, replacing a similar provision in another chapter that was repealed as part of a recodification of the Public Records Act, to exempt from disclosure, among other things:

- Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence that can be used to locate any individuals in the child support case except in response to a court order; and
- A registered voter’s residence address, if good cause for nondisclosure is shown, which shall include the protection of life and property and protection of victims of domestic violence.



LEGISLATIVE SESSION:

Annual. The regular session convened January 6, 2015, and adjourned April 29, 2015.

ORDERS FOR PROTECTION:

Chapter 22-5-7 is enacted as the Protective Orders and Employment Act, with the key provision enacted as § 22-5-7-2, which:

- Prohibits an employer from terminating an employee based on the employee's filing a petition for a protective order, whether or not the protective order has been issued, or based on the actions of an individual against whom the employee filed a protective order; and
- Permits the employer to alter the location of employment of an employee, the employee's compensation or benefits, or a term or condition of employment, when the employee and employer mutually agree to the alteration.

PREVENTION AND TREATMENT:

§ 8-1-19.5-6 is amended to define "human services," for purposes of 211 dialing code services for accessing human services information, to include, among other things, services designed to assist persons in efforts to reduce instances of domestic violence.

§ 8-1-19.5-9.5 is amended to require a recognized 211 service provider to provide, among other things, information concerning assistance related to domestic violence.

§ 8-1-19.5-11 is amended to require the Indiana utility regulatory commission to prepare a budget plan each year, which must include a strategy or plan to address, among other things, domestic violence.

§ 8-1-19.5-12 is amended to require the commission, in its annual report, to include any available statistics, data, or results concerning the expenditure of money to address, or the effectiveness of 211 services in addressing, among other things, domestic violence.

House Bill 1001 is enacted to include a requirement that the Indiana criminal justice institute file a report with the legislature of its activities related to domestic violence prevention and treatment in

the state, and further, that it must provide its report to the domestic violence prevention and treatment council for review and approval before submitting the report to the legislature.



LEGISLATIVE SESSION:

Annual. The regular session convened January 12, 2015, and adjourned June 6, 2015.

FAMILIES AND CHILDREN:

§ 915.94 is amended to provide that the victim compensation fund may be used to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking.

MISCELLANEOUS:

Chapter 9E is enacted to establish an address confidentiality program for victims of domestic abuse, domestic abuse assault, sexual abuse, stalking, and human trafficking. Key provisions are summarized below.

§ 9E.2 defines a person eligible for the address confidentiality program as a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking, as evidenced by the filing of a petition for a protection order or a criminal complaint.

§ 9E.3 is enacted to provide that an eligible person may file an application with the secretary of state, containing specified information, including whether the person wishes to receive information about voting by absentee ballot. Upon the filing of a complete application, the secretary must certify the person as a program participant, which is valid for four years and can be renewed. The participant must notify the secretary of any changes in contact information.

§ 9E.5 is enacted to provide that:

- A program participant's designated address must be accepted without requiring any other address that could be used to determine a participant's physical location, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the participant's physical location;
- The secretary shall forward all mail to the participant and serve as an agent for service of process, with any such service to be forwarded within three days via certified mail, return receipt requested, and the date of service as the date of the

- participant's acceptance or rejection;
- If a participant provides notice to a person, on a form prescribed by the secretary, of participation in the program, that person may not disclose the participant's address unless the person also lives, works, or goes to school there or the participant has provided written consent to disclosure for a specified purpose; and
- The program does not apply to documents or records regarding real property, but the secretary must offer information about purchasing real property using limited liability companies, trusts, or other legal entities to protect the participant's identity.

§ 9E.6 is enacted to provide for a program participant to register to vote without the participant's address being public, as well as to vote by absentee ballot.

§ 9E.7 is enacted to provide that:

- All program information is confidential, unless otherwise ordered by a court or released by the lawful custodian pursuant to state or federal law;
- A participant's name and address maintained by a local governing body as part of an ongoing investigation or inspection remains confidential;
- Upon request from the department of public safety, confidential information may be shared and released to a law enforcement agency upon verification that the release will aid in responding to an emergency, a criminal complaint, or an ongoing investigation;
- The program does not prohibit dissemination of information relating to the program to any agency or organization to carry out official duties, for an official purpose, or to protect a person or property from a threat of imminent serious harm; and
- A landlord notified that a tenant is a participant must not allow display of the participant's name at an address protected by the program, not to be construed as prohibiting the enforcement of a lease agreement between the participant and the landlord.



LEGISLATIVE SESSION:

Annual. The regular session convened January 12, 2015, and adjourned June 12, 2015.

FAMILIES AND CHILDREN:

§ 20-302b is amended to clarify that, absent consent of the parties, a district magistrate judge does not have jurisdiction over contested actions for divorce, separate maintenance, or custody of minor children, but may hear child support matters and may enforce orders granting visitation or parenting time.

PREVENTION AND TREATMENT:

§ 39-709 is amended to provide that a hardship permitting an extension of the time limit for which a recipient may receive temporary assistance for needy families (TANF) benefits includes when the recipient needs additional time to overcome the effects of domestic violence.



KENTUCKY

LEGISLATIVE SESSION:

Annual. The regular session convened January 6, 2015, and adjourned March 25, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 431.005 is amended to incorporate the enactment of Chapter 456 and to permit a peace officer to arrest without warrant when the peace officer has probable cause to believe the person has intentionally caused physical injury to a family member, member of an unmarried couple, or another person with whom the person is or was in a dating relationship.

§ 431.015 is amended to provide that a peace officer must make an arrest for violations of an interpersonal protective order.

§ 431.064 is amended to require a court deciding pretrial release of a person charged with violation of an interpersonal protective order to consider listed factors.

§ 508.130 is amended to add interpersonal protective orders to the definition of “protective order.”

§ 508.155 is amended to provide that a verdict of guilty or a guilty plea to stalking operates as an application for an interpersonal protective order, unless the victim requests otherwise, for which additional proof is unnecessary and which may be effective for up to 10 years, with further renewals available in increments of up to 10 years.

§ 510.037 is enacted to provide that a verdict of guilty or a guilty plea to rape, sodomy, or sexual abuse operates as an application for an interpersonal protective order, unless the victim requests otherwise, for which additional proof is unnecessary and which may be effective for up to 10 years, with further renewals available in increments of up to 10 years.

ORDERS FOR PROTECTION:

§ 403.715, stating the legislative purpose for domestic violence orders of protection, is repealed and reenacted, with no substantive change and to insert a reference to new Chapter 209A.

§ 403.720 is amended:

- To define “foreign protective order” as any order of protection entitled to full faith and credit;
- To revise the definition of “global positioning system”;
- To define “order of protection” to include an emergency protective order or a domestic violence order, including a foreign protective order; and
- To define “substantial violation” as criminal conduct that involves actual or threatened harm to the person, family, or property of an individual protected by an order of protection.

§ 403.725 is repealed and reenacted:

- To set forth the procedure for petitioning for a protective order, including who may file, contents of the petition, where the petition may be filed; and
- To provide for 24-hour access to orders of protection.

§ 403.730 is repealed and reenacted:

- To set forth the procedure upon filing of a petition for a protective order, including provisions for an *ex parte* emergency protective order if the petition indicates an immediate and present danger of domestic violence and abuse, which remains in force until an evidentiary hearing to be set within 14 days; and
- To provide that mediation is not to be ordered unless requested by the petitioner and subject to other conditions.

§ 403.735 is repealed and reenacted:

- To allow the court, before or at the hearing on a protective order, to obtain the respondent’s criminal and protective order history to assess what relief and sanctions may protect the petitioner;
- To set forth the procedure for a hearing on a protective order, and provide that, if the respondent does not attend a hearing on a protective order and has not been served, the emergency protective order will remain in place and a new hearing is to be set within 14 days; and
- To provide that the hearing may be continued as many times as necessary to effectuate service, with the emergency protective order remaining in place, for up to six months, at which point

the order will be rescinded without prejudice, with notice to the petitioner that a new petition must be filed.

§ 403.740 is repealed and reenacted:

- To list the remedies available in a protective order, which include:
 - Prohibitions on contact, coming within a stated distance of the petitioner or specified places frequented by the petitioner, or damaging or disposing of property;
 - Requiring either or both parties to receive counseling services;
 - Directing respondent to vacate the residence;
 - Temporary custody; and
 - Temporary child support; and
- To provide that a protective order remains in effect for the time specified by the court, up to three years, and may be reissued for subsequent periods of up to three years.

§ 403.745 is repealed and reenacted:

- To provide that a protective order is effective from the time of service or when a peace officer or the court notifies the respondent of its existence and terms;
- To prohibit the court from requiring mediation, conciliation, or counseling as a condition of issuing a protective order;
- To prohibit mutual protective orders unless each party files a separate petition and the orders are written with sufficient specificity to permit a peace officer to identify which party violated the order;
- To permit either party to file a motion to amend a protective order;
- To provide that testimony at a protective order hearing is not admissible in a criminal case except for impeachment;
- To allow the court and other governmental entities to operate a domestic violence intake center, which may refer a petitioner to the county attorney in the case of criminal conduct but which may not condition relief upon doing so;
- To provide for confidentiality of the petitioner's address; and
- To allow a respondent to expunge a petition that did not result in issuance of a protective order, if no other order has been

sought against that respondent within six months preceding the expungement request.

§ 403.750 is repealed and reenacted to provide that a petitioner may file for and receive protection either by petition for a protective order or in an existing custody or divorce action, and requiring the petitioner to notify the court of any other pending proceedings.

§ 403.751 is repealed and reenacted to require the use of prescribed forms for orders that must be entered into the registry and to provide for registration of protective orders.

§ 403.7521 is repealed and reenacted to provide for enforcement of foreign protective orders, stating that they are presumed valid unless declared invalid by a court of competent jurisdiction and entitled to full faith and credit, and further, providing that civil and criminal proceedings for violation of a foreign protective order are mutually exclusive.

§ 403.7524 is repealed and reenacted to set forth mandatory provisions for protective orders to ensure that they receive full faith and credit in other states.

§ 403.7527 is repealed and reenacted to set forth the procedure for filing foreign protective orders and entering them into the registry, including a procedure for provisional entry and enforcement while a certified copy of the foreign protective order is obtained from the issuing court.

§ 403.7529 is repealed and reenacted to set forth the procedure for the court to declare a foreign protective order authenticated.

§ 403.7531 is repealed and reenacted:

- To state that a foreign protective order is to be cleared as an active order from the registry when it expires of its own terms, when the issuing court dismisses it, or when an uncertified order is not authenticated within the required time; and
- To provide for annual validation by the clerk.

§ 403.7535 is repealed and reenacted to require a person who files a foreign protective order to notify the court of any changes in the order by the issuing court and that failure to do so may result in the order not being enforced and in a finding of contempt.

§ 403.761 is repealed and reenacted:

- To permit the court to order a respondent to be monitored by a global positioning system;
- To set forth procedures and requirements for such an order, including a list of specific locations the respondent is prohibited from, the date the order expires, which may not be later than the date the protective order expires and may be extended if the order is extended, and a requirement that the monitoring entity notify petitioner, law enforcement, and the court of any violation;
- To require the publication of a pamphlet with information about such monitoring;
- To specify circumstances in which the order for monitoring may be shortened or vacated upon request; and
- To provide that a respondent who violates a monitoring order or tampers with the device is guilty of a Class D felony.

§ 403.763 is repealed and reenacted to provide that violation of a protective order is a contempt of court and a Class A misdemeanor criminal offense, but the remedies are mutually exclusive and once either form of proceeding for a violation is commenced, the other is unavailable, regardless of the outcome. However, nothing in the statute precludes a criminal prosecution for conduct other than violation of the protective order.

§ 403.785 is repealed and reenacted:

- To set forth duties of law enforcement when responding to domestic violence, which include assisting the victim to obtain medical treatment and advising the victim of the rights available to them, including protective orders;
- To provide that an officer acting in good faith is immune from criminal and civil liability; and

- To require law enforcement to report all incidents of actual or suspected domestic violence to the Cabinet for Health and Family Services within 48 hours.

Chapter 456 is enacted to establish a statutory scheme for interpersonal protective orders when the parties are involved in a dating relationship or in cases of stalking or sexual assault. Key provisions are summarized below.

§ 456.010 is enacted to define stalking and sexual assault by reference to criminal statutes; to define a dating relationship as a relationship between individuals who have or have had a relationship of a romantic or intimate nature, with listed factors to be used in determining whether the relationship qualifies; and to mirror other definitions in § 403.720.

§ 456.030 is enacted to provide a protocol for 24-hour access to orders of protection and to set forth the procedure for petitioning the court for an interpersonal protective order, including who may file, contents of the petition, and where the petitioner may be filed.

§ 456.040 is enacted to set forth the procedure upon the filing of a petition for an interpersonal protective order to include immediate review by the court to determine whether to set an evidentiary hearing on the petition within 14 days. If the petition indicates an immediate and present danger of dating violence and abuse, sexual assault, or stalking, then the court shall issue *ex parte* a temporary interpersonal protective order, which remains in force until the evidentiary hearing, and the court must not order mediation unless requested by the petitioner and subject to other conditions.

§ 456.050 is enacted:

- To allow the court, before or at the hearing on an interpersonal protective order, to obtain the respondent's criminal and protective order history to assess what relief and sanctions may protect the petitioner;
- To set forth the procedure for a hearing on an interpersonal protective order;

- To provide that, if the respondent does not attend a hearing on an interpersonal protective order and has not been served, the emergency protective order will remain in place and a new hearing is to be set within 14 days; and
- To provide that the hearing may be continued as many times as necessary to effectuate service, with the emergency protective order remaining in place, for up to six months, at which point the order will be rescinded without prejudice, with notice to the petitioner that a new petition must be filed.

§ 456.060 is repealed and reenacted:

- To list the remedies available in an interpersonal protective order, which include prohibiting contact, requiring the respondent to remain a stated distance away from the petitioner or specified places frequented by the petitioner, prohibiting damage to or disposal of property, and requiring either or both parties to receive counseling services; and
- To provide that an interpersonal protective order remains in effect for the time specified by the court, up to three years, and may be reissued for subsequent periods of up to three years.

§ 456.070 is enacted:

- To provide that an interpersonal protective order is effective from the time of service or when a peace officer or the court notifies the respondent of its existence and terms;
- To prohibit the court from requiring mediation, conciliation, or counseling as a condition of issuing an interpersonal protective order;
- To prohibit mutual protective orders unless each party files a separate petition and the orders are written with sufficient specificity to permit a peace officer to identify which party violated the order;
- To permit either party to file a motion to amend an interpersonal protective order;
- To provide that testimony at an interpersonal protective order hearing is not admissible in a criminal case except for impeachment;

- To allow the court and other governmental entities to operate jointly an interpersonal protective order intake center, which may refer a petitioner to the county attorney in the case of criminal conduct but which may not condition relief upon doing so;
- To provide for confidentiality of the petitioner's address; and
- To allow a respondent to expunge a petition that did not result in issuance of a protective order, if no other order has been sought against that respondent within six months preceding the expungement request.

§ 456.080 is enacted to require the parties to notify the court if a divorce, custody, or other case under Chapter 403, governing domestic relations, is filed.

§ 456.090 is enacted to set forth duties of law enforcement when responding to dating violence, stalking, or sexual assault, which include assisting the victim in obtaining medical treatment and advising the victim of the rights available to them, including interpersonal protective orders; and further, to provide that an officer acting in good faith is immune from criminal and civil liability.

§ 456.100 is enacted:

- To permit the court to order a respondent to be monitored by a global positioning system and to set forth procedures and requirements for doing so, including a list of specific locations the respondent is prohibited from, the date the order expires, which may not be later than the date the interpersonal protective order expires and may be extended if the order is extended, and a requirement that the monitoring entity notify the petitioner, law enforcement, and the court of any violation;
- To require the publication of a pamphlet with information about such monitoring;
- To specify circumstances in which the order for monitoring may be shortened or vacated upon request; and
- To provide that a respondent who violates a monitoring order or tampers with the device is guilty of a Class D felony.

§ 456.110 is enacted to require the use of prescribed forms for orders that must be entered into the registry and to provide for registration of interpersonal protective orders.

§ 456.120 is enacted to provide for enforcement of foreign protective orders, stating that they are presumed valid unless declared invalid by a court of competent jurisdiction, they are entitled to full faith and credit, and civil and criminal proceedings for violation of a foreign protective order are mutually exclusive.

§ 456.130 is enacted to set forth mandatory provisions for interpersonal protective orders to ensure that they receive full faith and credit in other states.

§ 456.140 is enacted to set forth the procedure for filing foreign protective orders and entering them into the registry, including a procedure for provisional entry and enforcement while a certified copy of the foreign protective order is obtained from the issuing court.

§ 456.150 is enacted to set forth the procedure for the court to declare a foreign protective order authenticated.

§ 456.160 is enacted to state that a foreign protective order is to be cleared as an active order from the registry when it expires of its own terms, when the issuing court dismisses it, or when an uncertified order is not authenticated within the required time, and further, to provide for annual validation by the clerk.

§ 456.170 is enacted to require a person who files a foreign protective order to notify the court of any changes in the order by the issuing court and to state that failure to do so may result in the order not being enforced and in a finding of contempt.

§ 456.180 is enacted to provide that violation of an interpersonal protective order is a contempt of court and a criminal offense, a Class A misdemeanor, but the remedies are mutually exclusive and once either form of proceeding for a violation is commenced, the other is unavailable, regardless of the outcome. However, nothing in

the statute precludes a criminal prosecution for conduct other than violation of the protective order.

PREVENTION AND TREATMENT:

§ 309.0831 is enacted to provide for registration of alcohol and drug peer support specialists and to require, in pertinent part, that applicants complete at least three hours of domestic violence training.

§ 309.083 is amended to require, in pertinent part, that applicants for certification as an alcohol and drug counselor complete at least three hours of domestic violence training.

§ 309.0832 is enacted to provide for licensure of licensed clinical alcohol and drug counselors and to require, in pertinent part, that applicants complete at least three hours of domestic violence training.

MISCELLANEOUS:

§ 14.260 is amended to require the Secretary of State to promulgate regulations to expand the address confidentiality program and to incorporate new funding obtained from the imposition of an administrative fee on defendants convicted of certain offenses.



LEGISLATIVE SESSION:

Annual. The regular session convened April 13, 2015, and adjourned June 11, 2015.

DEFINITIONS:

§ 14:35.3 is amended:

- To define domestic abuse as including the intentional use of force or violence against a family member;
- To define family member as a spouse, former spouse, parent, child, stepparent, stepchild, foster parent, and foster child; and
- To define household member as any person of the opposite sex presently or formerly living in the same residence as a spouse, whether married or not, or any child presently or formerly living in the residence with the offender, or any child of the offender.

CRIMINAL PENALTIES AND PROCEDURES:

§ 13:5401 is amended to set forth penalties for violation of reentry probation, which are reduced if the violation is “technical,” and to provide that a violation is not technical if, among other things, it involves being arrested, charged, or convicted of domestic abuse battery.

§ 14:37.7, which defines domestic abuse aggravated assault, is amended to reflect the definitional amendments in § 14:35.3.

§ 14:79 is amended to provide that a sentence of prison for a third or subsequent violation of a protective order may be with or without hard labor.

§ 15:590 is amended to require that fingerprints and other identifying data be gathered for any person who has been arrested for, or issued a summons and convicted of, domestic abuse.

§ 330.3 of the Code of Criminal Procedure, concerning bail for domestic and dating violence offenses, is amended:

- To provide that a bail hearing may be held for a person charged with domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force against a family member;

- To add to the categories of information to be considered at such hearings documented history of substance abuse or suicide threats by the defendant, use of force or threats of use of force against any victim, strangulation, forced sex, controlling behavior, or threats to kill; and
- To provide that such evidence may include police reports, medical records, and sworn affidavits.

§ 387 of the Code of Criminal Procedure is enacted to require certain data to be included in the indictment, information, or affidavit charging a person with a domestic abuse offense.

§ 977 of the Code of Criminal Procedure is amended to prohibit expungement of a misdemeanor stalking conviction or a misdemeanor conviction for domestic abuse battery.

§ 978 of the Code of Criminal Procedure is amended to prohibit expungement of a felony conviction for domestic abuse battery.

FAMILIES AND CHILDREN:

§ 103 of the Civil Code is amended to provide that, as a basis for divorce, physical or sexual abuse by one spouse against the other must have occurred during the marriage.*

§ 2362.1 Civil Code is amended to provide that if a divorce is granted on the basis of physical or sexual abuse, the court may assess attorney fees and costs against the perpetrator as a separate obligation.

ORDERS FOR PROTECTION:

§ 46:2131, which states the purpose of the Domestic Abuse Assistance Act, is amended to include violence against dating partners.

§ 46:2132 is amended to include non-physical violence and acts against a dating partner in the definition of domestic abuse.

§ 46:2135 is amended to provide that, in an *ex parte* temporary restraining order proceeding, the court must consider any and all past history of abuse or threats in determining the existence of an

immediate and present danger of abuse; the history need not be recent, immediate, or present.

§ 46:2136.3 is amended to extend the prohibition on possession of firearms by a person subject to a protective order to those orders entered pursuant to a court-approved consent agreement.

PREVENTION AND TREATMENT:

§ 14:35.3 is amended to require that a court-monitored domestic abuse program occur over a period of at least 26 weeks.

§ 33:9701 is enacted as the Ensuring Access to Emergency Services for Victims of Domestic Abuse and other Crimes Act, to support the efforts of crime victims in seeking assistance from law enforcement and other emergency officials without fear of retaliation, including financial penalties and the loss of affordable housing. The Act:

- Prohibits parishes and municipalities from enacting any ordinance that imposes a penalty on a person for seeking emergency assistance for domestic abuse, that imposes a penalty on the property owner of any leased premises if a tenant or someone on the tenant's behalf seeks emergency assistance for domestic abuse, or that authorizes eviction if a tenant seeks emergency assistance for domestic abuse; and
- Provides that a person against whom such action is taken in violation of this section may file a civil action for a cease-and-desist order, compensatory damages, costs, and other equitable relief.

§ 46:1860 is enacted as part of a new statutory scheme governing family justice centers, stating that the purpose is to provide support and services in one place to victims of abuse, to increase access, reduce the number of times the victim must be questioned, and to increase offender accountability.

§ 46:1861 is enacted:

- To provide that victims of domestic abuse, dating violence, sexual assault, abuse of an elder person, stalking, cyberbullying, and human trafficking may obtain services and assistance at family justice centers, which may contract with public, private, or nonprofit entities to provide such services;
- To set forth requirements for family justice centers to establish self-evaluation procedures and to coordinate services to victims; and
- To prohibit a center from discriminating based on a victim's criminal history or from requiring the victim to cooperate with law enforcement or the criminal justice system or to consent to share information in order to access services.

§ 46:1862 is enacted:

- To provide that any information used or developed in providing services to a victim is confidential and not subject to public records laws;
- To require each center to maintain a client consent policy and to develop privacy policies and procedures, under which information must not be disclosed without the client's consent, except if the staff member is a mandatory reporter, and to require that clients be notified of this policy;
- To prohibit disclosure to any third party, unless required by law or court order, of any disclosures authorized by a client among the entities that make up the multi-disciplinary team; and
- To require family justice center staff to undergo mandatory training of at least eight hours per year in confidentiality, privacy, information-sharing, privileges, risk assessment, safety planning, victim advocacy, and high-risk case response.

§ 46:1863 is enacted to provide for civil immunity to family justice center staff unless a staff person acts with gross negligence or in bad faith.

§ 46:2148 is enacted:

- To require the state domestic violence coalition, before taking any action against a member of the coalition or a domestic violence services provider that would adversely affect the ability to further shelter or support services, to provide notice of the basis for the proposed disciplinary action and a hearing at which the provider may present arguments and evidence; and
- To require the coalition to provide written notice of any discipline to the Department of Children and Family Services, the house and senate committees on health and welfare, and the representative and senator for the district where the provider is located.

MISCELLANEOUS:

§ 45:844.9 is enacted:

- To permit law enforcement officers to request and obtain location information regarding the location of a mobile device from a commercial mobile service provider if a call for emergency services was made from the device or if an emergency situation has occurred that involves a risk of death or serious bodily harm to the device user;
- To require law enforcement to check databases to determine if the device user or person initiating the call has a history of domestic abuse or is subject to an order restricting contact;
- To provide that device location information may be used only for official duties and must not be released to a person with a history of domestic abuse or stalking or who is subject to a protective order; and
- To require every commercial mobile service provider to provide an emergency number for law enforcement to submit requests for location information.

§ 46:3261.1 is enacted:

- To provide that a lessor of premises consisting of at least six units is prohibited from refusing to enter into a lease solely on the basis that the applicant is a victim of domestic abuse if the victim provides reasonable documentation (defined in the statute) and is otherwise qualified;

- To prohibit the lessor from terminating or failing to renew the lease agreement based on an act of domestic abuse, except that if the offender continues to be present in or near the dwelling, resulting in a violent disturbance or altercation that poses a threat to the safety and peaceable possession of the lessee or other residents, the lessor may evict the lessee;
- To provide that if the eviction notice occurs before the tenant provides reasonable documentation the lessor may not be penalized, but if the basis for eviction was a single incident and no breach of the lease has occurred, then upon provision of reasonable documentation, the notice must be rescinded;
- To require a lessee seeking early termination of a lease due to domestic abuse to provide a written assertion under the statute with specified information, together with reasonable documentation consisting of a protective order or a certification of domestic abuse, and the lessor must permit termination within 30 days and may not withhold the security deposit (unless justified under generally applicable law) or otherwise penalize the lessee for the early termination;
- To permit this provision to be enforced by a civil action; and
- To provide that lessors are immune from action by domestic abuse offenders.

*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 December 3, 2014, and adjourned July 16, 2015.

FAMILIES AND CHILDREN:

§ 1768 of Title 19-A is amended to provide for expedited proceedings, on two days' notice, by a person on military active duty to enforce visitation provisions in a custody order.

ORDERS FOR PROTECTION:

§ 1726 of Title 22 is enacted to require a hospital to make a good faith effort to cooperate with law enforcement for the purpose of, among other things, providing access to a defendant for service of a protection from abuse order.

§ 4006 of Title 19-A is amended to permit a court, in a protection order, to direct the defendant not to possess a muzzle-loading firearm, bow, cross-bow, or other dangerous weapon if the abuse involved such a weapon or a heightened risk of immediate abuse is present; if the court includes such a prohibition, the defendant must surrender any such weapons within 24 hours.

§ 4007 of Title 19-A is amended to permit the court to prohibit the defendant from possessing a muzzle-loading firearm, bow, cross-bow, or other dangerous weapon; such prohibition lasts for the duration of the protection order.

PREVENTION AND TREATMENT:

§ 2803-B of Title 25 is amended to require law enforcement agencies to adopt written policies and procedures regarding domestic violence, to include at a minimum notification to the victim of a defendant's release from jail, a process to collect information regarding the defendant for bail determination, a process for safe retrieval of property, service of protection from abuse orders, and administration of an evidence-based risk assessment for use in bail determinations.

House Paper 108 is enacted to require the Maine Commission on Domestic and Sexual Abuse to review pretrial and post-conviction use of batterers' intervention programs, including best practices,

and to submit a report by January 1, 2016, to the Joint Standing Committee on Criminal Justice and Public Safety.

MISCELLANEOUS:

§ 6000 of Title 14 is enacted to define domestic violence, sexual assault, and stalking, all of which incorporate criminal definitions, and “victim” as meaning a victim of any of these offenses for purposes of providing housing protections for victims.

§ 6001 of Title 14 is amended:

- To provide that a rebuttable presumption of retaliation arises if, within six months prior to commencement of an eviction action, the tenant provided the landlord with notice that the tenant or the tenant’s minor child is a victim;
- To prohibit eviction based on an incident of actual or threatened domestic violence, sexual assault, or stalking that might otherwise be construed as a nuisance, property damage, or a lease violation arising from nuisance, disturbance, or property damage;
- To provide that a victim may not be held liable for property damage related to such incident beyond the security deposit if the perpetrator is a tenant and the victim provides written notice of the damage and documentation of domestic violence within 30 days of the damage;
- To permit a landlord to bifurcate a lease to evict or terminate the perpetrator’s tenancy, even if the victim was not a signatory to the lease;
- To permit a victim to terminate a lease early due to an incident or threat of domestic violence by providing 30 days’ written notice (seven days if the lease is for less than a year), with no liability for unpaid rent;
- To provide that nothing in the statute limits the landlord’s rights and remedies against the victim based on reasons unrelated to domestic violence, sexual assault, or stalking, or against the perpetrator for eviction, property damage, or trespass; and
- To list acceptable documentation of domestic violence for a victim to provide to a landlord to obtain the statute’s protections.

§ 6002 of Title 14 is amended to provide that a tenancy may be terminated upon seven days' notice if the landlord can show the tenant is a perpetrator of domestic violence, sexual assault, or stalking, and the victim is also a tenant; and to provide that a victim may terminate the victim's tenancy early, upon 30 days' notice (seven days if at-will or less than a year tenancy), without penalty or liability for unpaid rent beyond the notice period.

§ 6010 of Title 14 is amended to provide that a perpetrator is liable to the tenant for any damages resulting from the incident(s), including back rent, moving costs, current rent, damage to the unit, court costs, and attorney fees.

§ 6025 of Title 14 is amended to permit a victim to change the locks at the victim's expense and provide a duplicate key to the landlord within 72 hours.

§ 393 of Title 15 is amended to prohibit a person from owning or possessing a firearm if the person has been convicted or found not criminally responsible by reason of insanity of a domestic violence offense.



LEGISLATIVE SESSION:

Annual. The regular session convened January 14, 2015, and adjourned April 13, 2015.

ORDERS FOR PROTECTION:

§ 3-1503 of the Courts and Judicial Proceedings Code and § 4-504 of the Family Code are amended to provide that a petition for a protection or peace order may be filed in the state if the abuse is alleged to have occurred in the state or if the person eligible for relief is a resident of the state.

§ 4-501 of the Family Code is amended to include as a “person eligible for relief” an individual who has had a sexual relationship with the respondent within the past year.

§ 4-506 of the Family Code is amended:

- To provide that a permanent protection order must be entered if the respondent was convicted of conspiracy or solicitation to commit murder for the act of abuse that led to issuance of the final protection order, and the respondent has served at least 12 months of the sentence;
- To permit the court to enter a final protection order for a period of two years by consent of the respondent within a year from expiration of a prior final protection order that was issued against the same respondent on behalf of the same person eligible for relief, and the prior final protective order was issued for a period of at least six months;
- To prohibit the court from ordering the respondent to participate in counseling or a domestic violence program if the applicant is eligible for relief under the provision permitting a protection order on behalf of a person who has had a sexual relationship with the respondent within the past year; and
- To add a catchall provision, allowing the court to order any other relief necessary to protect the petitioner.

§ 4-507 of the Family Code is amended to permit the court to extend the term of a protection order to two years if the respondent consents.

§ 4-508.1 of the Family Code is amended to state the legislature's intent that protection orders issued in the state are intended to be accorded full faith and credit by courts of other states to the extent required by federal law.

MISCELLANEOUS:

§ 15-129 of the Insurance Code is amended to add protection for small employers purchasing medical stop-loss insurance, providing that a policy for a small employer may not exclude any employee or dependent on the basis of a health status-related factor, including conditions arising out of acts of domestic violence against an employee or dependent.



LEGISLATIVE SESSION:

Annual. The regular session convened January 14, 2015, and adjourned December 31, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 780.621 is amended to provide that a felony conviction for domestic violence shall not be set aside if the person has a previous misdemeanor conviction for domestic violence.

FAMILIES AND CHILDREN:

§ 552.513, applicable in cases where a “friend of the court” is appointed in domestic relations cases, is amended to provide that the office of the friend of the court must provide alternative dispute resolution according to a plan approved by the chief judge and state court administrative office, which must include a screening process for domestic violence, the existence of a protection order, child abuse or neglect, or other safety concerns and a method to address those concerns.

§ 722.27c is enacted to prescribe the role of parenting coordinators in custody cases; in pertinent part, the statute:

- Requires the court, before appointing a coordinator, to consider any history of a coercive or violent relationship between the parties and to ensure that the order provides adequate protection to the victim;
- Requires the order to include an acknowledgement that each party had the opportunity to consult with an attorney and a domestic violence counselor;
- Requires the coordinator to make a reasonable inquiry into whether either party has a history of a coercive or violent relationship, including the use of the domestic violence screening protocol for mediation;
- Prohibits the coordinator, if the coordinator determines that there is a history of a coercive or violent relationship between the parties, from bringing the parties within proximity of each other unless the party at risk from violence or coercion requests it, and the coordinator determines with that party what reasonable steps, if any, can be taken to address concerns; and

MASSACHUSETTS

- Prohibits the coordinator from recommending relief that is less protective than any other order related to the parties.

§§ 722.1521 to 722.1532 are adopted as the Uniform Child Abduction Prevention Act (Act), with the key provisions summarized below.

§ 722.1522 is enacted to define terms used in the Act, in pertinent part, defining “child-custody proceeding” to include proceedings for orders of protection from domestic violence.

§ 722.1524 is enacted to permit a court on its own motion to order child abduction prevention measures in a child-custody proceeding if the court finds a credible risk of abduction; any party to a custody order may seek abduction prevention measures to protect a child.

§ 722.1526 is enacted to set forth required contents of a petition, including a statement of whether a prior action to prevent domestic violence has been filed; a statement of whether a party has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect; and information regarding any prior protection order involving either party or the child.

§ 722.1527 is enacted:

- To enumerate factors for the court to consider in determining whether a credible risk of abduction exists, including:
 - o Whether either party recently engaged in activities that may indicate a planned abduction, except for planning activities related to providing for the safety of a party or the child while avoiding or attempting to avoid domestic violence; and
 - o Whether either party engaged in domestic violence, stalking, or child abuse or neglect; and
- To provide expressly that if the court finds that the respondent’s conduct was intended to avoid domestic violence or imminent harm to the child or the respondent, the court shall not issue an abduction prevention order.

§ 722.1528 is enacted to set forth mandatory contents of the order and the relief that may be ordered, and to require the court to



consider, among other things, the reasons for the potential abduction, including domestic violence, stalking, or child abuse or neglect.

§ 722.1529 is enacted:

- To permit a court to issue an *ex parte* warrant to take physical custody of the child if the court finds a credible risk that the child is imminently likely to be wrongfully removed;
- To permit the court, before issuing such a warrant and if feasible, to order a search of the relevant databases to determine if either petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect; and
- To permit the court, if the court finds after a hearing that a petitioner sought an *ex parte* warrant for the purpose of harassment or in bad faith, to award the respondent reasonable attorney fees, costs, and expenses.



LEGISLATIVE SESSION:

Annual. The regular session convened January 14, 2015, and adjourned December 31, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 780.621 is amended to provide that a felony conviction for domestic violence shall not be set aside if the person has a previous misdemeanor conviction for domestic violence.

FAMILIES AND CHILDREN:

§ 552.513, applicable in cases where a “friend of the court” is appointed in domestic relations cases, is amended to provide that the office of the friend of the court must provide alternative dispute resolution according to a plan approved by the chief judge and state court administrative office, which must include a screening process for domestic violence, the existence of a protection order, child abuse or neglect, or other safety concerns and a method to address those concerns.

§ 722.27c is enacted to prescribe the role of parenting coordinators in custody cases; in pertinent part, the statute:

- Requires the court, before appointing a coordinator, to consider any history of a coercive or violent relationship between the parties and to ensure that the order provides adequate protection to the victim;
- Requires the order to include an acknowledgement that each party had the opportunity to consult with an attorney and a domestic violence counselor;
- Requires the coordinator to make a reasonable inquiry into whether either party has a history of a coercive or violent relationship, including the use of the domestic violence screening protocol for mediation;
- Prohibits the coordinator, if the coordinator determines that there is a history of a coercive or violent relationship between the parties, from bringing the parties within proximity of each other unless the party at risk from violence or coercion requests it, and the coordinator determines with that party what reasonable steps, if any, can be taken to address concerns; and

- Prohibits the coordinator from recommending relief that is less protective than any other order related to the parties.

§§ 722.1521 to 722.1532 are adopted as the Uniform Child Abduction Prevention Act (Act), with the key provisions summarized below.

§ 722.1522 is enacted to define terms used in the Act, in pertinent part, defining “child-custody proceeding” to include proceedings for orders of protection from domestic violence.

§ 722.1524 is enacted to permit a court on its own motion to order child abduction prevention measures in a child-custody proceeding if the court finds a credible risk of abduction; any party to a custody order may seek abduction prevention measures to protect a child.

§ 722.1526 is enacted to set forth the required contents of a petition, including a statement of whether a prior action to prevent domestic violence has been filed; a statement of whether a party has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect; and information regarding any prior protection order involving either party or the child.

§ 722.1527 is enacted:

- To enumerate factors for the court to consider in determining whether a credible risk of abduction exists, including:
 - o Whether either party recently engaged in activities that may indicate a planned abduction, except for planning activities related to providing for the safety of a party or the child while avoiding or attempting to avoid domestic violence; and
 - o Whether either party engaged in domestic violence, stalking, or child abuse or neglect; and
- To provide expressly that if the court finds that the respondent’s conduct was intended to avoid domestic violence or imminent harm to the child or the respondent, the court shall not issue an abduction prevention order.

§ 722.1528 is enacted to set forth mandatory contents of the order and the relief that may be ordered, and to require the court to consider, among other things, the reasons for the potential abduction, including domestic violence, stalking, or child abuse or neglect.

§ 722.1529 is enacted:

- To permit a court to issue an *ex parte* warrant to take physical custody of the child if the court finds a credible risk that the child is imminently likely to be wrongfully removed;
- To permit the court, before issuing such a warrant and if feasible, to order a search of the relevant databases to determine if either petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect; and
- To permit the court, if the court finds after a hearing that a petitioner sought an *ex parte* warrant for the purpose of harassment or in bad faith, to award the respondent reasonable attorney fees, costs, and expenses.



LEGISLATIVE SESSION:

Annual. The regular session convened January 6, 2015, and adjourned May 18, 2015. The special session convened June 12, 2015, and adjourned June 13, 2015.

FAMILIES AND CHILDREN:

§ 257.75 is amended to modify information required to be included on a form for recognition of parentage to include a notice that there is no presumption for or against joint physical custody unless domestic abuse has occurred between the parties.

§ 260C.221 is amended to provide that a social services agency searching for a child's relatives for possible placement must search for maternal and paternal adult relatives, subject to exceptions due to family violence.

§ 518.17 is amended:

- To revise the factors a court must consider in determining the best interest of the child to include whether domestic abuse has occurred in the parents' or either parent's household or relationship; the nature and context of the domestic abuse; and the implications of the domestic abuse for parenting and for the child's safety, well-being, and developmental needs;
- To provide that the factor regarding each parent's disposition to support the child's relationship with the other parent does not apply when domestic abuse has occurred;
- To require a rebuttable presumption against joint legal or joint physical custody be used if domestic abuse has occurred between the parents, and in determining whether the presumption has been rebutted, the court must consider the nature and context of the abuse and its implications for parenting and for the child's safety, well-being, and developmental needs; and
- To provide that the court may not solely consider a parent's past or possible future military deployment in determining best interests.

Chapter 518E is enacted as the Uniform Deployed Parents Custody and Visitation Act (Act), with the following key provisions:

§ 518E.103 is enacted to authorize a court to charge attorney's fees and costs against a party who acts in bad faith or intentionally fails to comply with the Act or a court order issued under the Act.

§ 518E.105 is enacted:

- To require a deployed parent to notify the other parent within seven days of receiving an official order to deploy or as soon as possible;
- To require that each parent in this instance file a plan for custodial responsibility with the court; and
- To require that if a parent's address is confidential by court order, all communications proceed through the court, which shall maintain the parent's confidentiality.

§ 518E.106 is enacted to require any person granted custodial authority during deployment to notify the deployed parent, or the court in the case of a court order providing that the address is confidential, of any change of address.

§ 518E.204 is enacted to permit a deployed parent to delegate all or part of custodial responsibility to a nonparent by power of attorney, provided no other parent possesses custodial responsibility.

§ 518E.205 is enacted to require an agreement for custodial responsibility during deployment to be filed with any court that has issued a custody or child support order regarding the child.

§§ 518E.301 to 518E.311 are enacted to set forth procedures and requirements for courts to follow when a parent is deployed and there is no agreement on the deployed parent's proposed grant of custodial responsibility to a nonparent family member or person with whom the child has a close and substantial relationship.

§§ 518E.401 to 518E.404 are enacted to set forth procedures for the termination of an agreement or order for custodial responsibility, including the provision that when the parties have not filed an agreement to terminate the temporary custody plan, the agreement is terminated 60 days after notice of the deployed parent's return.

PREVENTION AND TREATMENT:

Senate File 1458, Section 58, is enacted to establish a working group on violence against Asian women and children, tasked to study the nature, scope, and prevalence of violence against Asian women and children, including domestic violence, with a report to the legislature due by January 1, 2017.

MISCELLANEOUS:

§ 5B.11 is amended:

- To provide that no person or entity shall be compelled to disclose the actual address of a participant in the address confidentiality program during the discovery phase or during a court proceeding, unless the court finds a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed and there is no other practicable way of obtaining the information or evidence;
- To require the court to provide the participant with notice and an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed;
- To require the court, in determining whether to compel disclosure, to consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure;
- To require the court, in a criminal proceeding, to order disclosure of a program participant's address if protecting the address would violate a defendant's constitutional right to confront a witness;
- To limit disclosure of a participant's actual address under this section under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation; and
- To provide that nothing in this section prevents the court or other tribunal from issuing a protective order to prevent disclosure of information other than the participant's actual address that could reasonably lead to the discovery of the program participant's location.

§ 13.03 is amended to provide that if a government entity opposes discovery or release of data that is classified as not public, the party seeking the data may bring an action to compel discovery, and if the data is protected under the address confidentiality program, the court must consider the provisions of § 5B.11.



LEGISLATIVE SESSION:

Annual. The regular session convened January 6, 2015, and adjourned April 2, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 99-3-7, which requires a law enforcement officer to arrest, with or without warrant, a person the officer has probable cause to believe has knowingly violated certain types of protection orders, is amended to add a criminal protection order in the list of such orders.

ORDERS FOR PROTECTION:

§ 93-21-25 is amended to state that all civil and criminal domestic abuse orders must be entered into the Mississippi Protection Order Registry.

§ 97-3-7 is amended to require the clerk of the court to enter a criminal protection order into the Mississippi Protection Order Registry within 24 hours of issuance.

§ 41-29-149.1 is enacted to provide that a person who in good faith seeks medical assistance for someone who is experiencing a drug overdose shall not be subject to penalties for, among other things, violation of a protective order or restraining order.



MISSOURI

LEGISLATIVE SESSION:

Annual. The regular session convened January 7, 2015, and adjourned May 27, 2015.

ORDERS FOR PROTECTION:

Chapter 455, governing protection orders, is amended to add orders protecting against sexual assault. In particular, §§ 455.010 to 455.538 are amended to define and incorporate references to sexual assault as a basis for a protection order and to authorize the same procedures and remedies as exist for protection orders based on domestic violence and stalking.

PREVENTION AND TREATMENT:

§ 208.040 is amended:

- To reduce the maximum lifetime limit on temporary assistance benefits from 60 to 45 months, but this limit does not apply to a family that includes an individual who has been battered or subjected to extreme cruelty, provided that the average number of such families does not exceed 20 percent of the average number of families receiving benefits; and
- To implement a cash diversion program that grants eligible families a lump sum cash grant for short-term needs of up to three times the family size allowance, subject to a limit of one such grant in a 12-month period and a lifetime maximum of five such grants, as well as job referrals or referrals to career centers. Such a grant is in lieu of long-term monthly cash assistance and may be awarded upon a showing of good cause, which includes an incidence of domestic violence.

MISCELLANEOUS:

§ 115.277 is amended to provide that a person participating in the address confidentiality program may vote by absentee ballot.

§ 115.279 and § 115.283 are amended to provide that a participant in the address confidentiality program shall state the voter identification provided by the program in lieu of the participant's name and address on absentee ballot documents.



LEGISLATIVE SESSION:

Biennial. The regular session convened January 5, 2015, and adjourned April 28, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 45-5-209, which allows a court to issue a no-contact order against a defendant charged with family member assault, is amended to provide that a court may also issue a no-contact order against a defendant charged with aggravated assault or assault with a weapon if the victim is a partner or family member.

§ 45-5-706 is enacted to provide that an aggravating circumstance to a human trafficking offense occurs when the defendant recruited, enticed, or obtained the victim at, among other places, a domestic violence shelter.

§ 46-9-302 is amended to provide that a person charged with a violation of a no-contact order may not be released on bail without first appearing before a judge.

PREVENTION AND TREATMENT:

§ 50-51-114 is amended to revise the language describing when participating establishments may receive a tax credit for providing emergency lodging as when an individual or family “is in immediate need of shelter based on an imminent or existing threat to the safety or security of the individual or family.”

MISCELLANEOUS:

§ 25-40-114 is enacted to include the following protections in the Uniform Collaborative Law Act (adopted by §§ 25-40-101 to 25-40-121):

- To require a lawyer participating in the collaborative law process, before a prospective party signs a collaborative law participation agreement, to make reasonable inquiry whether the party has a history of a coercive or violent relationship with another prospective party;
- To provide that this duty of inquiry continues throughout the collaborative law process, requiring the lawyer to assess reasonably and continuously whether such a history exists; and

- To prohibit a lawyer who reasonably believes that a party has a history of a violent or coercive relationship with another party from beginning or continuing the collaborative law process, unless the party requests to begin or continue the process and the lawyer reasonably believes that the safety of the party can be adequately protected.

§ 39-51-2111, which prohibits denial of unemployment benefits when an individual left work or was discharged because of circumstances resulting from the individual being a victim of domestic violence, sexual assault, or stalking, is amended to expand the time period for such benefits from 10 to 28 weeks.

§ 70-24-111 is enacted to provide that, except as provided in § 45-5-209, a notice of no contact to a landlord for the benefit of a tenant or to a tenant for the benefit of the landlord may only be authorized pursuant to a no-contact order issued by a court of competent jurisdiction, if the person receiving the notice is acting in accordance with certain residential landlord-tenant statutes. A notice of no contact that does not meet these requirements is invalid.



LEGISLATIVE SESSION:

Annual. The regular session convened January 7, 2015, and adjourned May 29, 2015.

FAMILIES AND CHILDREN:

§§ 43-4601 to 43-4630 are enacted as the Uniform Deployed Parents Custody and Visitation Act (Act), with key provisions summarized below.

§ 43-4603 is enacted to authorize a court to charge an attorney's fees and costs against a party who acts in bad faith or intentionally fails to comply with the Act or a court order issued under the Act.

§ 43-4605 is enacted:

- To require a deployed parent to notify the other parent within seven days of receiving an official order to deploy or as soon as possible;
- To require that each parent in this instance file a plan for custodial responsibility with the court; and
- To require that if a parent's address is confidential by court order, all communications proceed through the court, which shall maintain the parent's confidentiality.

§ 43-4606 is enacted to require any person granted custodial authority during deployment to notify the deployed parent, or the court in the case of a court order providing that the address is confidential, of any change of address.

§ 43-4607 is enacted to provide that upon the deployed parent's return, that parent's history of past or likelihood of future deployment may not in itself be considered in determining custodial responsibility, but the court may consider "any significant impact on the best interest of the child of the parent's past or possible future deployment."

§ 43-4611 is enacted to permit a deployed parent to delegate all or part of custodial responsibility to a nonparent, by power of attorney, provided no other parent possesses custodial responsibility.

§ 43-4612 is enacted to require an agreement for custodial responsibility during deployment to be filed with any court that has issued a custody or child support order regarding the child.

§§ 43-4613 to 43-4623 are enacted to set forth procedures and requirements for courts to follow when a parent is deployed and there is no agreement on the deployed parent's proposed grant of custodial responsibility to a nonparent family member or person with whom the child has a close and substantial relationship.

§§ 43-4624 to 43-4327 are enacted to set forth procedures for the termination of an agreement or order for custodial responsibility, including the provision that when the parties have not filed an agreement to terminate the temporary custody plan, the agreement is terminated 60 days after notice of the deployed parent's return.



LEGISLATIVE SESSION:

Biennial. The regular session convened February 2, 2015, and adjourned June 1, 2015. The special session convened December 16, 2015, and adjourned December 19, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 171.196 is amended to provide that at a preliminary examination before the magistrate, hearsay evidence consisting of a statement made by the victim is admissible if the defendant is charged with, among other things, domestic violence punishable as a felony and which resulted in substantial bodily harm to the victim.

§ 172.135 is amended to provide that at a proceeding before a grand jury for the purpose of presentment or indictment, hearsay evidence consisting of a statement made by the victim is admissible if the defendant is charged with, among other things, domestic violence punishable as a felony and which resulted in substantial bodily harm to the victim.

§ 200.359 is amended:

- To provide that a person who has joint legal and physical custody of a child and willfully conceals or removes the child from the custody of the other parent with the specific intent to frustrate the parent-child relationship is guilty of a category D felony, unless the person demonstrates to the satisfaction of the court that the person did so to protect the child or the person from an act that constitutes domestic violence;
- To provide that a parent who has joint physical custody of a child who relocates with the child without the other parent's consent or court order granting primary physical custody and permission to relocate is guilty of a category D felony;*
- To provide that a parent who has primary physical custody and relocates with the child without the other parent's consent or court order granting permission to relocate is guilty of a category D felony;* and
- To provide that this section does not apply to a person who detains, conceals, removes, or relocates with a child to protect the child from the imminent danger of abuse or neglect or to

protect himself or herself from imminent physical harm and reported the matter to a law enforcement agency or agency which provides child welfare services within 24 hours or as soon as the circumstances allowed.

FAMILIES AND CHILDREN:

§§ 125C.002 and 125C.0025 are enacted to provide that when a court is making a determination regarding the legal or physical custody of a child, there is a presumption affecting the burden of proof that joint custody is in the child's best interests if the parties have agreed to joint custody or if a parent has demonstrated, or has attempted to demonstrate but been frustrated by the other parent, an intent to establish a meaningful relationship with the child.*

§§ 125C.003 and 125C.0035 are enacted to provide, in pertinent part, that joint physical custody is presumed not to be in the best interest of the child if the court finds, by clear and convincing evidence, that a parent has engaged in domestic violence against the child, a parent of the child, or any person residing with the child; the presumption is rebuttable. Further, in determining the best interests of the child, the court must consider specified factors, including whether a parent has engaged in acts of domestic violence against the child, a parent of the child, or any person residing with the child. These sections replace nearly identical provisions in former § 125.480, which was repealed.

§ 159.0613 is enacted to provide, in pertinent part, that the court must consider a person's history of abuse of his or her spouse, a child, or any other adult in determining whether the person may serve as a guardian.

ORDERS FOR PROTECTION:

§ 33.0305 is enacted to prohibit a person subject to an extended protection order from subsequently purchasing or otherwise acquiring any firearm during the period the order is in effect.

§ 33.090 is amended to provide that when a person registers a protection order issued by the court of another jurisdiction in a judicial district where the person believes that enforcement may be necessary, the court clerk shall forward a copy of the order to

the appropriate law enforcement agency, either by conventional or electronic means.

PREVENTION AND TREATMENT:

§ 232.358 is enacted to provide that the Director of the Department of Health and Human Services may authorize the establishment of an educational program regarding the prevention of domestic violence and any services available to victims.

MISCELLANEOUS:

§ 179A.075 is amended to provide that the Central Repository's annual report containing statistical data on domestic violence must be posted on the Central Repository's website by July 1 of each year.

§ 202.360 is amended to prohibit a person who has been convicted of a misdemeanor crime of domestic violence from owning or possessing a firearm.

§§ 217.462, 217.464, 217.466, 217.468, and 217.471 are amended to transfer responsibility for the address confidentiality program from the Secretary of State to the Attorney General.

*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.



NEW HAMPSHIRE

LEGISLATIVE SESSION:

Annual. The regular session convened January 7, 2015, and adjourned July 1, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 597:2 is amended to provide that if a person is charged with violation of a protective order against domestic violence or stalking, the person must be detained without bail pending arraignment.

§ 631:2-b is amended to impose a fine of \$50 in addition to any other penalty for each conviction of domestic violence, to be used for domestic violence programs.

§ 651:5 is amended to provide that a person convicted of a misdemeanor domestic violence offense may petition for annulment of the record of arrest, conviction, and sentence after three years if all terms of the sentence have been completed and the person has not been convicted of any other crime.



LEGISLATIVE SESSION:

Annual. The regular session convened January 7, 2015, and adjourned June 25, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 140.10 of the Criminal Procedure Law is amended to require a law enforcement officer responding to a family violence offense to translate, if necessary, a victim or witness statement.

§ 214-b of the Executive Law is amended:

- To require prompt translation of any victim statements to the state police for family offenses made in a language other than English;
- To require that victims be notified of their rights in their native language; and
- To require the superintendent to determine the languages for which translation is required based on the size of the population that speaks that language and any other relevant factors.

§ 840 of the Executive Law is amended to require the municipal police council:

- To provide training in the interpretation and enforcement of family offense laws, including laws requiring prompt translation of any victim statements to the state police for family offenses made in a language other than English and requiring that victims be notified of their rights in their native language; and
- To consult with the superintendent in determining the languages for which translation is required.

FAMILIES AND CHILDREN:

§ 236 of the Domestic Relations Law and § 412 of the Family Court Act are amended to reorganize provisions governing spousal maintenance, including consideration of domestic violence in determining such awards, and to modify how child support obligations are considered in deciding the amount of such awards. No substantive change is made in how domestic violence is to be considered in such determinations.

§ 1017 of the Family Court Act is amended to provide that in determining whether to place a child with a non-respondent parent, relative, or suitable person, the court must review, among other things, the statewide registry of orders of protection to determine whether the child may appropriately be placed with such a person.

ORDERS FOR PROTECTION:

§ 530.12 of the Criminal Procedure Law is amended to provide that a protection order issued in connection with a criminal conviction for a domestic violence offense may extend up to 10 years when the sentence includes probation for a conviction for felony sexual assault and up to six years when the sentence includes probation for a conviction for misdemeanor sexual assault.

§ 153-c of the Family Court Act is amended:

- To provide that the chief administrator of the courts may promulgate rules to establish a pilot program for the filing of petitions for temporary protection orders by electronic means and for issuance of such orders by audio-visual means to accommodate litigants who would experience an undue hardship in attending court to file or appear or for whom traveling to and appearing in court would create a risk of harm;
- To provide that a litigant who seeks permission to file electronically or appear remotely must seek the court's permission, stating the circumstances constituting undue hardship or risk of harm, and the court must expressly grant or deny permission and the basis for the decision; and
- To allow for documentary evidence to be admitted at such a hearing by electronic means.

§212 of the Judicial Law is amended:

- To provide that the chief administrator of the courts may promulgate rules to establish a pilot program for the filing of petitions for temporary protection orders by electronic means and for issuance of such orders by audio-visual means to accommodate litigants who would experience an undue hardship in attending court to file or appear or for whom traveling to and appearing in court would create a risk of harm; and

- To require the administrator to maintain a list of sites in the pilot program and to strive for a regionally diverse program that considers public transportation availability, population density, and the availability of facilities to conduct the pilot program.

PREVENTION AND TREATMENT:

Article 129-B of the Education Law, §§ 6439 to 6449 of the Education Law, is enacted to require colleges and universities:

- To establish policies and procedures for preventing sexual assault, dating violence, domestic violence, and stalking;
- To set standards and requirements for such policies and procedures; and
- To file reports on their implementation.

§ 341-a of the Social Services Law is enacted to provide for a re-engagement and conciliation procedure to allow a participant to avoid a reduction in benefits for failure or refusal to comply with work requirements; in particular, the participant must be notified of the procedure's availability, including an explanation of what might warrant an exemption such as, among other things, domestic violence.

§ 459-b of the Social Services Law is amended to require domestic violence shelters to allow a victim with a service animal or therapy dog to bring the animal with them.

MISCELLANEOUS:

§ 744 of the Real Property Actions and Proceedings Law is enacted to prohibit eviction based on domestic violence victim status and to provide that such status is a defense to an eviction action; further, the landlord is immune from liability for actions taken in good faith to comply with this provision.

§ 227-d of the Real Property Law is enacted to prohibit discrimination in housing based on domestic violence victim status, to create a civil cause of action for compensatory and punitive damages for any violation, and to clarify that nothing in the statute prohibits a landlord from providing a rental preference for or other assistance to domestic violence victims.



OKLAHOMA

LEGISLATIVE SESSION:

Annual. The regular session convened February 2, 2015, and adjourned May 22, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 24A.8 of Title 51 is amended to provide that audio and video recordings from equipment attached to a law enforcement officer are available to the public, but that certain portions may be redacted or obscured including, among other things, portions that would identify alleged victims of sex crimes or domestic violence.

FAMILIES AND CHILDREN:

§ 1-1-105 of Title 10A is amended to define “failure to protect” as “failure to take reasonable action to remedy or prevent child abuse or neglect, and includes the conduct of a non-abusing parent or guardian who knows the identity of the abuser or the person neglecting the child, but lies, conceals or fails to report the child abuse or neglect or otherwise take reasonable action to end the abuse or neglect.”*

§ 107.2 of Title 43 is amended to provide that good cause to waive attendance at a mandatory parenting class includes when domestic violence, stalking, or harassment occurred during the marriage.

§ 120.7 of Title 43 is amended to require that to be appointed in a case involving domestic violence, stalking, or harassment, a court expert, which includes a parenting coordinator, guardian *ad litem*, custody evaluator, or other person appointed by the court in a custody or visitation proceeding involving children, must have completed 16 hours of domestic violence training that includes, but is not limited to, information regarding the danger and lethality of domestic violence, the causes and dynamics of domestic violence, the impact of domestic violence upon victims and children, and the characteristics of a batterer as parent.

PREVENTION AND TREATMENT:

§ 60.30 of Title 22 is enacted to create a five-year pilot program for an integrated domestic violence docket in counties of over 500,000,

combining divorce, child custody, domestic violence protection orders, and criminal and juvenile court cases.

§ 60.31 of Title 22 is enacted to authorize the creation of family justice centers to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and stalking to allow victims to access needed services in one location.

§ 5028 of Title 63 is enacted to require the Oklahoma Health Care Authority to coordinate with domestic violence sexual assault programs that provide counseling services for victims to ensure that billing, explanation of benefits, or other information related to services rendered by such facilities is not sent by paper mail to the victim's actual physical address.

MISCELLANEOUS:

§ 3311 of Title 70 is amended to include an "Alford" plea or any plea other than "not guilty" to a crime of domestic violence as grounds for disciplinary action against a police or peace officer, and further, to provide that conviction or any plea other than "not guilty" to such a crime requires revocation of the officer's certification. Any district attorney who prosecutes a police or peace officer for such a crime is required to notify the Council on Law Enforcement Education and Training within 10 days.

LEGISLATIVE SESSION:

Annual. The regular session convened February 2, 2015, and adjourned July 6, 2015.

DEFINITIONS:

§ 409.290 is amended to define domestic violence consistent with the definition of family abuse under § 107.705.

CRIMINAL PENALTIES AND PROCEDURES:

§ 40.252 is amended to extend the exception stated therein to the newly created privilege for certified advocates in § 40.264, summarized below. The exception provides that no privilege exists if, in the professional judgment of the person receiving the communication, the declarant has a clear and serious intent at the time of the communication to commit a crime involving physical injury, threat to physical safety of any person, or sexual abuse or death; the person believes the declarant poses a danger of committing the crime; and the person receiving the communication makes a report of the communication. A person disclosing such a communication may not be held liable for reporting or failing to report.

§ 40.264 is enacted to create a privilege for communications between a certified advocate and a victim of domestic violence, sexual assault, or stalking and sets forth requirements for certification to qualify for the privilege, including 40 hours of training and employment with a qualified victim services program.

§ 135.247 is amended to provide that when a person charged with a domestic violence crime is released, the officer must include in the release decision an order prohibiting the person from contacting or attempting to contact the victim, either directly or through a third party, and further, requiring the court to continue or issue such an order at arraignment. The prohibition on contact does not apply to the defense attorney or the attorney's agent.

§ 147.600 is enacted to create a privilege for communications between a certified advocate and a victim of domestic violence, sexual assault, or stalking and sets forth requirements for

certification to qualify for the privilege, including 40 hours of training and employment with a qualified victim services program.

§ 163.160 is amended to modify the conditions under which assault in the fourth degree is to be treated as a Class C felony (rather than a Class A misdemeanor), thereby removing as a possible basis for such elevation that the defendant have been convicted of three prior assaults, all of which involved domestic violence, and instead providing that if the defendant has been previously convicted of at least three assaults, regardless of the victims' identities, the offense is to be treated as a Class C felony.

§ 163.192 is enacted to create the offense of endangering a person protected by a Family Abuse Prevention Act restraining order, a Class C felony, which occurs when a person has been served with the order (unless service was waived because the person appeared in court), intentionally engages in conduct prohibited by the order, and by doing so recklessly created a substantial risk of physical injury to a person protected by the order or intentionally attempted to place the protected person in fear of imminent physical injury.

FAMILIES AND CHILDREN:

§ 107.085 is amended to require a petition for dissolution, annulment, or separation to state whether any protective orders restraining contact between the parties or with the minor children exist.

ORDERS FOR PROTECTION:

§ 30.866 is amended to clarify that no filing fee is due for a petition for a stalking protective order.

§§ 107.705, 107.710, 107.720, 107.725, and 107.730 are amended to define "declaration under penalty of perjury" and to permit support for an application for a protection order and proof of service to be in the form of such a declaration, in addition to "by oath or affirmation."

§ 133.035 is enacted:

- To provide that a peace officer may apply for an *ex parte* emergency protective order for a person the officer has probable cause to believe is in immediate danger of abuse by a family or household member and that an order is necessary to protect the person from abuse;
- To provide that the application, completed by the officer, and a proposed order may be electronically transmitted to a circuit judge who may enter such an order if the court finds probable cause;
- To require that the order be served within 24 hours;
- To state that the order is valid for seven days from when the court signs the order; and
- To require the order to be entered into the Law Enforcement Data System, which provides notice to all law enforcement agencies of the order's existence.

§ 133.310 is amended to include within the category of orders that, when violated, permit a peace officer to arrest the offender without a warrant, an *ex parte* emergency protective order issued under newly enacted § 133.035.

§ 166.255 is enacted to prohibit a person who is the subject of a protection order from knowingly possessing a firearm or ammunition, if the following conditions are met: The person must have had an opportunity to be heard, and the order must include a finding either that the person poses a credible threat to the safety of an intimate partner or child, or that the person has been convicted of a misdemeanor involving the use or attempted use of force or the threatened use of a deadly weapon against a family member. Conforming amendments were made to §§ 166.250 and 166.274.

PREVENTION AND TREATMENT:

§ 147.453 is amended to permit domestic and sexual violence funding to be used to educate students in grades 7-12 about domestic violence and teen dating violence.

§ 339.366 is amended to require school district boards to adopt, and to notify parents and students of, a policy that incorporates

age-appropriate education about teen dating violence and domestic violence for students in grades 7-12 and for appropriate school employees.

§ 339.368 is enacted to require the Department of Education to provide school districts with posters containing information in both English and Spanish regarding domestic violence and at least one toll-free hotline telephone number that a student may call to obtain information and help regarding domestic violence.

§ 409.292 is amended to incorporate the term “domestic violence” in provisions governing grants and programs to prevent and treat family, domestic, and teen dating violence.

§ 412.079 is amended to provide that a needy caretaker relative may receive temporary assistance to needy families (TANF) benefits for more than 60 months if the relative is unable to maintain qualified employment because the relative is a victim of domestic violence.

§ 412.089 is amended to require the Department of Human Services to provide training in domestic violence to staff who work with persons receiving benefits.

§ 441.525, part of a statutory scheme providing for the creation of a public authority to finance certain health facilities, is amended to define a “family safety facility” as a nonprofit institution that provides services, which may include residential services, for individuals seeking relief from domestic violence.

§ 653.616 is enacted as part of a new statutory scheme requiring paid sick time for employers with at least 10 employees, requiring that employees be permitted to use such sick time to obtain medical treatment or services for the employee or a child or to seek legal relief and participate in legal proceedings related to domestic violence.

MISCELLANEOUS:

§ 90.325 is amended to provide that a tenant is not responsible for damage that results from conduct by a perpetrator relating to domestic violence, sexual assault, or stalking, provided that the

landlord may require the tenant to provide verification that the tenant is a victim of domestic violence, sexual assault, or stalking.

§ 653.626 is enacted to permit an employer to require medical verification of the need for sick time under certain circumstances, provided, however, that the employer may not require such verification to explain the details of any domestic violence that necessitates the use of sick time.

RHODE ISLAND



LEGISLATIVE SESSION:

Annual. The regular session convened January 6, 2015, and adjourned June 25, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 12-10-12 is amended to provide that if a criminal complaint for domestic violence is “filed” (meaning that the complaint is deferred for one year, after which it is dismissed if the defendant is not charged with another violation during that time), then after three years all records related to the filed complaint must be expunged without the necessity of filing a motion, if the defendant has not been charged with another domestic violence crime.*

*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.



SOUTH CAROLINA

LEGISLATIVE SESSION:

Annual. The regular session convened January 13, 2015, and adjourned July 9, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 16-1-60 is amended to add domestic violence in the first degree to the list of “violent crimes.”

§ 16-3-1910 is enacted to establish the remedy of and procedure for seeking and obtaining permanent restraining orders after conviction in certain criminal cases, including domestic violence cases, upon the request of the victim or a witness, the violation of which is a felony.

§ 16-3-1920 is enacted to establish the remedy of and procedure for seeking and obtaining an emergency restraining order, available when emergency relief is needed and the procedure under § 16-3-1910 is not available. An emergency order is valid for up to 45 days to provide an applicant sufficient time to proceed under § 16-3-1910.

§ 16-25-10 is amended to add definitions for “deadly weapon,” “great bodily injury,” “moderate bodily injury,” “prior conviction of domestic violence,” “protection order,” and “firearm.”

§ 16-25-20 is amended to create degrees for the offense of domestic violence first, second, and third and to establish penalties for each degree. Factors to distinguish degrees include the extent of bodily harm, whether the defendant violated a protection order, whether a child witnessed or perceived the act, whether strangulation occurred, whether the victim was pregnant, whether the defendant committed the offense during the commission of robbery, burglary, kidnapping, or theft, and whether the defendant attempted to prevent the victim from reporting the offense or seeking emergency assistance.

§ 16-25-30 is amended to provide that it is unlawful for a person to ship, transport, receive, or possess a firearm if the person:

- Was convicted of domestic violence of a high and aggravated nature or domestic violence in the first degree;

- Was convicted of domestic violence in the second degree if the court made specific findings that the person caused moderate bodily injury or had a prior domestic violence conviction;
- Was convicted of domestic violence in the third degree if the judge at the time of sentencing specifically ordered that the person was prohibited from possessing a firearm or had a prior domestic violence conviction; or
- Is subject to a valid protection order and the judge at the hearing made specific findings regarding physical harm and danger and ordered that the person be prohibited from possessing a firearm.

The amendments also set forth the duration of the prohibition and penalties for violation based on the underlying offense.

§ 16-25-65 is amended to modify the definition of “domestic violence of a high and aggravated nature” as (1) domestic violence committed under circumstances manifesting extreme indifference to the value of human life, and great bodily injury results or would reasonably cause a person to fear imminent great bodily injury or death, or (2) when domestic violence in the first degree is committed in violation of a protection order; “circumstances manifesting extreme indifference to human life” include whether a child witnessed or perceived the act, whether strangulation occurred, whether the victim was pregnant, whether the defendant committed the offense during the commission of a robbery, burglary, kidnapping, or theft, or whether the defendant attempted to prevent the victim from reporting the offense or seeking emergency assistance.

§ 16-25-70 is amended to require that a law enforcement investigation of a domestic violence offense be documented on an incident report form that must be maintained by the investigating agency. It is further amended to provide that an arrest, with or without warrant, is permissive rather than mandatory when an officer has probable cause to believe a person has committed a domestic violence offense and the victim has physical manifestations of injury.*

§ 16-25-120 is amended to list mandatory (rather than permissive) factors to consider in determining whether to release on bond a person

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who is charged with a violent offense against a household member and who is subject to a protection order or has a prior conviction for violating a protection order. Such factors include whether the person has a history of domestic violence or other violent offenses, the person's mental health, whether the person has a history of violating court or other government orders, and whether the person is a potential threat to another person.

§ 17-15-10 is amended to provide that at a bond hearing the court may consider whether the defendant's release would pose an unreasonable danger to an individual.

§§ 17-15-30 and 22-5-510 are amended to provide that at a bond hearing the court may consider whether the defendant's release would pose an unreasonable danger to an individual; further, the court may not proceed with the bond hearing for a domestic violence offense, which must be held within 24 hours after arrest, without the person's criminal record and incident report or the presence of the arresting officer.

§ 17-22-90 is amended to provide that a pretrial intervention program for a person charged with a domestic violence offense must include the person's agreement in writing to successful completion of a batterer's intervention program approved by the Circuit Solicitor or the Attorney General.

§ 17-25-45 is amended to add domestic violence of a high and aggravated nature and domestic violence in the first degree to the list of "three strikes" offenses.

§ 22-5-910, governing expungement of criminal convictions, is amended to provide that a person convicted of first offense domestic violence in the third degree may apply for expungement after five years.

§ 56-7-10 is amended to add domestic violence in the second and third degrees to the list of offenses for which a uniform traffic ticket must be used.*



FAMILIES AND CHILDREN:

§§ 63-15-50 to 63-15- are enacted as the Uniform Deployed Parents Custody and Visitation Act (Act), with the following key provisions:

§ 63-15-504 is enacted to authorize a court to charge an attorney's fees and costs against a party who acts in bad faith or intentionally fails to comply with the Act or a court order issued under the Act.

§ 63-15-508 is enacted:

- To require a deployed parent to notify the other parent within seven days of receiving an official order to deploy or as soon as possible;
- To require that each parent in this instance file a plan for custodial responsibility with the court; and
- To require that if a parent's address is confidential by court order, all communications proceed through the court, which shall maintain the parent's confidentiality.

§ 63-15-510 is enacted to require any person granted custodial authority during deployment to notify the deployed parent, or the court in the case of a court order providing that the address is confidential, of any change of address.

§ 63-15-512 is enacted to provide that deployment in itself may not be considered in determining the child's best interests, but the court may consider any significant impact on the child of the parent's past or possible future deployment.

§ 63-15-514 is enacted to set forth the contents of a temporary agreement granting custodial responsibility during deployment.

§ 63-15-520 is enacted to permit a deployed parent to delegate all or part of custodial responsibility to a nonparent by power of attorney, provided no other parent possesses custodial responsibility.

§ 63-15-522 is enacted to require an agreement for custodial responsibility during deployment to be filed with any court that has issued a custody or child support order regarding the child.

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§§ 63-15-524 to 63-15-542 are enacted to set forth procedures and requirements for courts to follow when a parent is deployed and there is no agreement on the deployed parent's proposed grant of custodial responsibility to a nonparent family member or person with whom the child has a close and substantial relationship.

§§ 63-15-544 to 63-15-556 are enacted to set forth procedures for the termination of an agreement or order for custodial responsibility, including the provision that when the parties have not filed an agreement to terminate the temporary custody plan, the agreement is terminated 60 days after notice of the deployed parent's return.

PREVENTION AND TREATMENT:

§ 16-3-1110 is amended to provide that a "victim" for purposes of crime victim compensation includes a minor who is a witness to a domestic violence offense.

§§ 16-25-310 to 16-25-370 are enacted to create the Domestic Violence Advisory Committee (Committee), with key provisions summarized below.

§ 16-25-330 is enacted:

- To set forth the Committee's purpose as to decrease the incidence of domestic violence by developing an understanding of the causes of domestic violence, developing plans for and implementing changes for prevention, and advising the governor and legislature; and
- To prescribe duties to include gathering annual statistics, considering training and technical assistance needs and identifying service gaps, determining the need for changes to statutes, regulations, policies, or procedures, educating the public, and submitting an annual report to the governor and legislature.

§ 16-25-340 is enacted to provide that the Committee must have access to all state, county, and local government information and records of a person whose death is being reviewed.

§ 16-25-350 is enacted to grant the Committee authority to request and obtain subpoenas from the court clerks.



§ 16-25-360 is enacted to provide that Committee meetings are open except when discussing an individual case of domestic violence, in which case the meeting is closed and any records thereof are not subject to the state Freedom of Information Act, and to prohibit discussion of individual cases during a public meeting.

§ 16-25-370 is enacted to state that the Committee's information and records are confidential and not subject to the Freedom of Information Act, with specific exceptions listed for statistics and other data that do not permit the identification of a person.

§ 43-1-260 is repealed and §§ 16-25-510 to 16-25-550 are enacted to repeal and reconstitute Community Domestic Violence Coordinating Councils in each county or judicial circuit; other than moving and renumbering, the only substantive change is to modify a reference from battered women to battered individuals.

§ 59-32-30 is amended to require public schools to provide instruction in domestic violence as part of health education for grades six through eight.

House Bill 3433, Section 18, is enacted to require the Department of Social Services and the South Carolina Voucher Program to study current regulations and policies to ensure a domestic violence survivor may apply for childcare. The bill is designed to assist the survivor in receiving necessary services to encourage participation in relevant court hearings if the survivor so chooses.

*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.



SOUTH DAKOTA

LEGISLATIVE SESSION:

Annual. The regular session convened January 13, 2015, and adjourned March 30, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 22-19A-16 is amended to provide that a third or subsequent violation of a protection order against stalking or domestic abuse within 10 years is a Class 6 felony.

§§ 23A-3-2.1 and 25-10-35, which govern law enforcement duties when responding to domestic abuse or a protection order violation, are amended to incorporate the definition of “persons in a relationship” set forth in § 25-10-3.1.

§ 25-10-13 is amended to provide that a violation of a protection order that constitutes aggravated assault is a Class 6 felony, and a third or subsequent violation of a protection order against domestic abuse or stalking within 10 years is also a Class 6 felony.



LEGISLATIVE SESSION:

Annual. The regular session convened January 13, 2015, and adjourned April 22, 2015. The special session convened February 2, 2015, and adjourned February 4, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 37-1-406 is amended to provide that an investigator or law enforcement officer investigating a possible domestic abuse incident that a hearing-impaired child may have witnessed must not use a parent or family member as an interpreter.

§ 40-11-150 is amended to provide that a person arrested for a stalking offense must not be released within 12 hours of the arrest, except if the magistrate or other official finds the offender is not a threat to the alleged victim. The findings are to be in writing and made a permanent part of the record, and the magistrate must make all reasonable efforts to contact and inform the victim of the release.

§ 40-39-218 is enacted to provide that a person who is mandated to register as a sex offender based solely on a conviction for aggravated prostitution may petition the sentencing court for termination of the registration requirement based on the person's status as a victim of human trafficking or domestic abuse.

FAMILIES AND CHILDREN:

§ 36-6-102 is enacted to provide that a person who has been convicted of a rape from which a child was conceived shall not have custody or visitation rights, or rights of inheritance, with respect to that child.

ORDERS FOR PROTECTION:

§ 63-1-156 is enacted to provide that a person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be arrested, charged, or prosecuted for, among other things, violation of a protective order, if related to the seeking of medical assistance.

PREVENTION AND TREATMENT:

§ 49-6-1035 is enacted to encourage local education agencies, in consultation with local law enforcement, to institute developmentally appropriate domestic violence awareness programs for middle and high school students and to offer participation at least once per year.



LEGISLATIVE SESSION:

Biennial. The regular session convened January 13, 2015, and adjourned June 1, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 38.371 of the Code of Criminal Procedure is enacted to permit each party in the prosecution of a family violence offense to offer testimony or other evidence of all relevant facts and circumstances that would assist the trier of fact in determining whether the defendant committed the offense, including testimony or evidence regarding the nature of the relationship between the defendant and the alleged victim.

§ 42.0373 of the Code of Criminal Procedure is enacted to require payment of restitution when a defendant is convicted or granted deferred adjudication and is placed on community supervision for a family violence offense when a child witnessed the offense.

§ 411.074 of the Government Code is amended to provide that an order of nondisclosure of criminal records cannot be granted if the court makes a finding that the offense involved family violence.

§ 507.251 of the Government Code is amended to permit the issuance of a summons to appear, rather than a warrant for arrest, if a person on parole is charged with a new offense after more than one year on parole and the new offense is a Class C misdemeanor that is not a family violence offense or an offense against a child, among other conditions.

§ 508.254 of the Government Code is amended to provide that a magistrate may release on bond a person charged with a parole violation if specified conditions are met, including, among others, a determination that the person has not been previously convicted of a family violence offense.

§ 25.07 of the Penal Code is amended to provide that a person commits an offense if, in violation of a condition of bond set in a family violence, sexual assault, or stalking case related to the victim's safety or the safety of the community, the person removes, attempts to remove, or otherwise tampers with the normal functioning of a global positioning monitoring system.

FAMILIES AND CHILDREN:

§ 1151.055 of the Estates Code is enacted to establish a procedure for certain relatives to seek access to a ward that the guardian has denied; as part of the procedure, the court must consider, among other things, whether any protective orders have been issued against the applicant on the ward's behalf.

§ 1151.056 of the Estates Code is enacted to require a guardian to provide certain notices to the ward's relatives about the ward's health and residence and to set forth a procedure by which a guardian may seek to be relieved of such duties as to certain relatives, including relatives subject to a protective order on the ward's behalf.

§ 71.004 of the Family Code, which defines family violence, is amended to include abuse of child consisting of use of the child in pornography or obscene images, use of a controlled substance that injures the child, allowing or encouraging the child to use a controlled substance, and allowing or encouraging the child to engage in a sexual performance.

§ 105.006 of the Family Code, governing child support enforcement orders, is amended to provide that a court, after notice and a hearing, may order that a party's identifying and location information not be disclosed to the other party if the court finds that such disclosure is likely to subject the child or a conservator (the Texas legal term for custodial parent) to family violence.

§ 107.013 of the Family Code is amended to provide that in child protection matters when both parents are indigent and entitled to the appointment of an attorney *ad litem*, a single attorney may be appointed to represent both parents only if the court finds there is no history or pattern of past or present family violence by one parent directed at the other parent, a spouse, or a child of the parties.

§ 107.154 of the Family Code is enacted to require adoption evaluators to complete at least eight hours of family violence dynamics training.

§ 153.005 of the Family Code is amended (1) to incorporate expressly family violence considerations set forth in § 153.004 into the court's determination of conservatorship (the Texas legal term for custody)

of a child, and (2) to require the court to consider whether a party engaged in a history or pattern of family violence or child abuse or neglect and whether a final protective order was issued against a party.

§ 153.076 of the Family Code is amended to add a new provision requiring a child's conservator to notify the other conservator of the child if the conservator (1) establishes a residence with a person subject to a final protective order, (2) resides with or allows unsupervised access to the child by a person against whom the parent has obtained a protective order, or (3) is the subject of a final protective order issued after the date of the order establishing conservatorship.

ORDERS FOR PROTECTION:

§ 17.292 of the Code of Criminal Procedure is amended to permit the magistrate issuing an emergency protective order in a criminal case, if good cause is found, to prohibit any communication in any manner with the protected person or a member of the protected person's household or family, except through the arrested party's attorney or other person appointed by the court.

§ 56.021 of the Code of Criminal Procedure is amended to provide victims of certain crimes, including sexual assault, stalking, and trafficking, with the right to ask the attorney representing the state to file an application for a protection order, to be informed of the availability of protection orders, and to be informed about the criminal case, including sentencing.

§ 81.0015 of the Family Code is enacted to establish a presumption in protective order matters filed on behalf of a child that family violence has occurred and is likely to occur in the future if the respondent has been convicted or placed on deferred adjudication for a family violence offense against the child, the respondent's parental rights with respect to the child have been terminated, and the respondent is seeking contact with the child.

§ 81.011 of the Family Code is amended to permit digitized signatures on applications for protective orders.

§ 85.022 of the Family Code is amended to require the court to suspend the license to carry a handgun of a person subject to a protective order.

§ 85.025 of the Family Code is amended to provide that a protective order against a person who is incarcerated at the time the order would normally expire is automatically extended until one year after the person's release if the sentence was more than five years or until two years after the person's release if the sentence was for five years or less.

§ 24A.002 of the Property Code is enacted to provide a procedure by which a person who has been denied access to a residence where specific items of the person's property are located may petition for an order permitting access accompanied by a peace officer. A person who is subject to a civil protective order, a criminal emergency protective order, or other order prohibiting access is not eligible to file such a petition.

PREVENTION AND TREATMENT:

§ 402.038 of the Government Code is enacted to establish domestic violence high risk teams, multidisciplinary teams that coordinate efforts to increase victim safety by monitoring perpetrators while providing services for victims; such teams may include law enforcement, prosecutors, community supervision and corrections departments, victim advocates, nonprofit organizations providing services to victims, and medical personnel.

§ 51.004 of the Human Resources Code is amended to provide that when there is competition between eligible family violence service centers for provision of services in a service area, a state contract for services in that area must be subject to a competitive bidding process to be developed in consultation with a statewide family violence organization.

§ 53.001 of the Human Resources Code is enacted to require the Department of Family and Protective Services to develop and implement a preventive services program for veterans and military families who have committed, experienced, or are at high risk of family violence or abuse or neglect.

§§ 72.101 to 72.108 of the Government Code are enacted to establish, define the membership of, prescribe the authority, duties, and responsibilities of, and set forth reporting requirements for a task force to promote uniformity in collection and reporting of information on family violence, sexual assault, stalking, and human trafficking.

House Bill 77 is enacted to require the Health and Human Services Commission to study the Dallas Men Against Abuse program and other activities addressing family violence in Dallas to assess their effectiveness and the feasibility of implementing similar programs in other communities and to submit a report to the legislature by December 1, 2016.

MISCELLANEOUS:

§§ 57A.01 to 57A.04 of the Code of Criminal Procedure are enacted to provide for confidentiality of public records regarding victims of stalking upon the victim's request, including the use of pseudonyms for all public records and court proceedings; the court may order disclosure in limited circumstances as set forth in § 57A.02. Violation of the confidentiality provisions is a Class C misdemeanor under § 57A.03.

§ 711.002 of the Health and Safety Code is amended to provide that a licensed provider of funeral services commits a violation subject to disciplinary action or an administrative penalty if the provider allows a person charged with a crime of family violence in connection with the decedent's death to control the disposition of the decedent's remains.



U.S. VIRGIN ISLANDS

LEGISLATIVE SESSION:

Biennial. The regular session convened January 13, 2015, and adjourned December 31, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 116 of Title 14 is enacted to require peace officers to use all reasonable means to prevent further abuse or harassment whenever the officer has reason to believe a person has been abused or harassed or is in danger of being abused or harassed, which may include mitigating any safety risk, helping to arrange for medical assistance or an ambulance, advising a sexual assault victim that time-sensitive medical or forensic options may be available and encouraging the victim to seek medical assistance, providing referrals to resources, and providing notice of the victim's rights and remedies, including the availability of a restraining order.

ORDERS FOR PROTECTION:

§§ 1471 to 1476 of Title 5 are enacted to provide the remedy of civil protection orders against stalking and to establish the grounds and procedure for such orders. Key provisions are summarized below.

§ 1473 of Title 5 is enacted to allow a victim to seek relief by filing a verified application with specified information, with personal service upon the alleged perpetrator and with the victim's address and telephone number to remain confidential.

§ 1474 of Title 5 is enacted to permit the court to enter temporary relief and requires a hearing within 10 days.

§ 1475 of Title 5 is enacted:

- To list the types of relief available, including restraining the defendant from any form of contact, interfering with the victim's privacy rights, entering the victim's property, residence, or place of employment, or other relief;
- To require the order to state that violation of the order may constitute stalking;
- To provide that the order remains in effect for up to two years, which may be extended for up to one additional year; and



- To permit the court to assess costs, attorney fees, and monetary compensation.

§§ 111 to 120 of Title 14 are enacted to provide the remedy of restraining orders related to the crimes of harassment and stalking and to establish the grounds and procedure for such orders. Key provisions are summarized below.

§ 111 of Title 14 is enacted to define harassment to include cyberstalking, sexual harassment, and stalking.

§ 113 of Title 14 is enacted:

- To provide that a restraining order may require the respondent to refrain from abusing or harassing the petitioner, refrain from contacting the petitioner, remain away from the petitioner's home or workplace, pay monetary compensation directly resulting from the respondent's conduct, such as replacing locks, medical expenses, or the cost of obtaining an unlisted phone number; and
- To provide that such an order is valid for up to two years and must be entered in the domestic violence recordkeeping system.

§ 114 of Title 14 is enacted to permit an emergency application via telephone by a law enforcement officer, valid until the next business day when it must be filed with the clerk.

§ 118 of Title 14 is enacted to provide for confidentiality of residence address, work address, and phone numbers in any restraining order proceeding.

LEGISLATIVE SESSION:

Annual. The regular session convened January 26, 2015, and adjourned March 12, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 77-36-1.1 is amended to delete a provision stating that a plea of guilty or no contest to a domestic violence offense is equivalent to a conviction, even if the charge is subsequently reduced or dismissed under a plea agreement.

§ 77-36-1.2 is enacted:

- To replace the deleted provision of § 77-36-1.1, described above;
- To require the prosecutor to examine the defendant's criminal history before agreeing to a plea of guilty or no contest or to filing an information; and
- To prohibit the court from accepting a plea of guilty or no contest to a domestic violence offense unless:
 - o The prosecutor agrees to the plea in open court, in writing, or by other communication the court finds adequate to record the agreement; or
 - o The offense is filed by information, the court receives the defendant's criminal history, and the history has no record of a domestic violence offense within the previous five years.

VERMONT



LEGISLATIVE SESSION:

Annual. The regular session convened January 7, 2015, and adjourned May 16, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 1940 of Title 24 is amended to modify the duties of the special investigative unit to remove domestic violence as a mandatory category of incident assigned to the unit; it remains a permissive category.

FAMILIES AND CHILDREN:

§ 4921 of Title 33 is amended:

- To require the redacted investigation file in a child abuse and neglect matter to be disclosed upon request to an attorney representing the child in a child custody proceeding in family court;
- To require relevant records or information to be disclosed upon request to a family court involved in any proceeding in which custody of a child or parent-child contact is at issue;
- To permit withholding of information that could compromise the safety of the person who reported the abuse or neglect, the child, or the family or details that could cause the child significant mental or emotional distress;
- To permit the Department of Human Services to disclose, upon request by a parent with a reasonable concern that an individual residing with the child presents a risk of abuse or neglect, information that the Department determines could avert the risk of harm presented by the individual to the requestor's child; if the request is denied, the parent may petition the family court for relief; and
- To provide that any information disclosed under this section must be kept confidential, with any violation subject to a \$2,000 fine.

MISCELLANEOUS:

§ 4904 of Title 26 is enacted to provide, in pertinent part, that a domestic violence advocate who does not use the term “behavior analysis” or any other term that could suggest licensing as an applied behavior analyst is not subject to that profession’s licensing requirements.

§ 4017 of Title 13 is enacted to prohibit persons who have been convicted of a violent crime, including domestic violence offenses, from possessing a firearm.



LEGISLATIVE SESSION:

Annual. The regular session convened January 14, 2015, and adjourned February 27, 2015. The special session convened and adjourned on August 17, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 19.2-120 is amended to provide for a rebuttable presumption that, when a person is charged with strangulation against a family or household member, no condition of release will reasonably assure the person's appearance or the safety of the public.

ORDERS FOR PROTECTION:

§ 19.2-152.12 is enacted to provide, in matters related to protective orders issued in connection with a criminal proceeding, for compensation to counsel required under the Servicemembers Civil Relief Act or a guardian *ad litem* required by law.

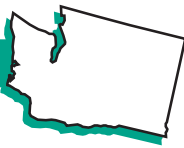
PREVENTION AND TREATMENT:

§ 9.1-116.2 is enacted to create the Advisory Committee on Sexual and Domestic Violence to advise the executive branch on matters related to the prevention and reduction of sexual and domestic violence.

§ 9.1-116.3 is enacted to create the Virginia Sexual and Domestic Violence Program Professional Standards Committee to establish voluntary accreditation standards and procedures for local sexual and domestic violence to be systematically measured and evaluated by a peer review process.

MISCELLANEOUS:

§ 23-9.2:15 is enacted to create a duty and procedure to report campus sexual violence by any "responsible employee," but providing for an exception to this duty if the information is received through a confidential communication to, among others, a domestic violence counselor.



WASHINGTON

LEGISLATIVE SESSION:

Annual. The regular session convened January 12, 2015, and adjourned April 24, 2015. The first special session convened April 29, 2015, and adjourned May 28, 2015. The second special session convened May 29, 2015, and adjourned June 27, 2015. The third special session convened June 28, 2015, and adjourned July 10, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§§ 9A.40.060 and 9A.40.070 are amended, explicitly to supersede the Washington Supreme Court's decision in *State v. Veliz*, 176 Wash. 2d 849, 298 P.3d 75 (2013), to provide that a parent is guilty of custodial interference if the parent takes, entices, retains, detains, or conceals the child with the intent to deny access to a parent who has the lawful right to time with the child pursuant to any court order making residential provision for the child, including, but not limited to, domestic violence protection orders with such provisions.

§ 9.94A.501 is amended to provide that the state is not liable for its supervision of a person convicted of a domestic violence felony offense unless the state or its officers, agents, and employees acted with gross negligence.

§ 10.99.080 is amended to provide that a penalty assessment for a person convicted of a domestic violence crime may be imposed only on adult offenders.

§ 80.36 is enacted to require wireless telecommunications providers to provide call location information to a law enforcement agency upon proper request, which must include a check by the law enforcement agency as to whether the person requesting the information has any history of domestic violence or order restricting contact and whether either the person requesting information or the person about whom information is sought participates in the address confidentiality program.



FAMILIES AND CHILDREN:

§ 2.28.210 is enacted to permit the court, before granting an order establishing a parenting plan or residential schedule or restraining or limiting a party's contact with a child or a protection order, to consult the judicial information system or any related databases to determine the criminal history or the pendency of any other proceedings involving the parties, and if so, to require the court to disclose that fact to the parties and any particular matters relied upon by the court in rendering the decision.

PREVENTION AND TREATMENT:

§§ 28B.112.005 to 28B.112.020 are enacted to set minimum standards for campus sexual violence prevention and services, including domestic violence services, to survivors.

§§ 70.123.030 and 70.123.040 are amended to expand the duties of the department of social and health services related to domestic violence, in consultation with relevant state departments, the state domestic violence coalition, and individuals or groups with expertise in preventing domestic violence and in serving victims, including those with experience in providing culturally appropriate services to underserved populations, to include development of a plan for delivering victim services, establish minimum standards for programs and services, apply for and manage grants, and conduct an ongoing evaluation of programs and standards. Similar conforming amendments were made to §§ 70.123.010, 70.123.020, 70.123.070, 70.123.080, 70.123.090, 70.123.110, and 70.123.150.

MISCELLANEOUS:

§§ 9.41.340 and 9.41.345 are enacted to require each law enforcement agency to develop a protocol that allows a family or household member to provide an incident or case number in order to be notified when the agency returns a privately owned firearm to an individual and to set forth law enforcement duties in such circumstances.

§ 70.123.075 is amended:

- To prohibit parties to a proceeding in which the court determines that client records maintained by a domestic violence program are discoverable from disseminating any record or part of the record;
- To provide that any such information in the court record be sealed; and
- To require the court to make all reasonable attempts to provide notice to a victim affected by the disclosure and to protect the privacy and safety of the persons affected by the disclosure.



LEGISLATIVE SESSION:

Annual. The regular session convened January 14, 2015, and adjourned March 18, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 48-27-903 is amended to provide that upon conviction for a second offense of violation of a protective order, a person shall be confined in jail for not less than three months nor more than one year, which jail term shall include actual confinement of not less than thirty days, and fined not less than \$500 nor more than \$3,000.

FAMILIES AND CHILDREN:

Chapter 49, governing child welfare, is repealed and reenacted to renumber and reorganize statutory provisions and to clarify existing law. No substantive changes to the law regarding domestic violence and child welfare were made.

ORDERS FOR PROTECTION:

§ 48-27-311 is amended to provide for service of a protective order on a nonresident as set forth in newly enacted § 56-3-33a, described below.

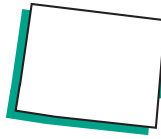
§ 48.27-507, prohibiting mutual protective orders, is amended to provide an exception for an order restricting contact under newly enacted § 51-2A-2a, described below.

§ 51-2A-2a is enacted:

- To permit a family court to enter an order restricting contact between the parties without a finding of domestic violence, which is not considered a protective order;
- To permit the court to enjoin misconduct that does not rise to the level of domestic violence and to enforce its orders through contempt; and
- To provide that nothing in this section precludes the court from entering a domestic violence protective order.

§ 56-3-33a is enacted:

- To provide for jurisdiction over a nonresident who engages in any act constituting domestic violence or abuse, stalking, a sexual offense, or violation of a protective order within the state or purposely directed at a resident of and having an effect within the state;
- To provide for service of a protective order on such a nonresident via personal service by law enforcement within or out of the state, or service upon the Secretary of State and mailing a copy by registered or certified mail, return receipt requested, by a means which may include electronic issuance and acceptance of electronic return receipts; and
- To provide that data and records regarding such service are not public records subject to disclosure under the state Freedom of Information Act.



LEGISLATIVE SESSION:

Annual. The regular session convened January 13, 2015, and adjourned March 5, 2015.

CRIMINAL PENALTIES AND PROCEDURES:

§ 6-2-319 is amended to provide that the identities of the parties involved in a sexual assault case may be released as necessary to enforce a protection order.

ORDERS FOR PROTECTION:

§ 7-3-507 is amended to provide for protection orders on behalf of sexual assault victims, as well as victims of stalking.

§ 7-3-508 is amended:

- To include sexual assault as a basis for a protection order;
- To require a protection order involving stalking to include language that a violation may subject the perpetrator to penalties for felony stalking; and
- To provide that no testimony or evidence at a protection order hearing is admissible or may be treated as a waiver of the right against self-incrimination in a subsequent criminal proceeding unless an information or indictment was filed prior to the protection order hearing.

§ 7-3-509 is amended:

- To state that contact prohibited by a protection order includes telephone calls, mail, email, texting, fax, social media, and any other form of communication;
- To require a protection order involving stalking to include language that a violation may subject the perpetrator to penalties for felony stalking; and
- To provide that a request by the victim for the perpetrator to violate a protection order is an affirmative defense to a charge of violation.*

§ 7-3-510 is amended to require an order of protection to state the period of time the order is to be in effect, which for stalking may be up to one year and for sexual assault may be the longer of six months or the point in time when the respondent is charged, and

court-ordered bond restrictions are to be at least as restrictive as the protection order.

§ 7-3-511 is amended to provide that a victim of stalking or sexual assault may request the assistance of law enforcement, which may include, among other things, safety planning and victim's rights counseling.

§ 7-3-512 is enacted to require the court to enter an order providing for confidentiality of the name, address, and other identifying information of all parties involved in proceedings for a protection order arising from a sexual assault case.

*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.

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Alaska Network on Domestic Violence and Sexual Assault

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California Partnership to End Domestic Violence

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Colorado Coalition Against Domestic Violence

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Website: www.dcadv.org

**District of Columbia Coalition
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Website: www.dccadv.org

**Florida Coalition Against
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Fax: (850) 425-3091
Website: www.fcadv.org

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Website: www.gcadv.org

**Guam Coalition Against Sexual
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Website: www.guamcoalition.org

**Hawaii State Coalition
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**Idaho Coalition Against
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**Illinois Coalition Against
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Fax: (317) 917-3695
Email: icadv@icadvinc.org
Website: www.icadvinc.org

Iowa Coalition Against Domestic Violence

515 28th St.
Des Moines, Iowa 50312
Phone: (515) 244-8028
Hotline: (800) 942-0333
TTY: (800) 942-0333
Fax: (515) 244-7417
Email: icadv@icadv.org
Website: www.icadv.org

Kansas Coalition Against Sexual and Domestic Violence

634 SW Harrison
Topeka, Kansas 66603
Voice/TTY: (785) 232-9784
Hotline: (888) 363-2287
Fax: (785) 266-1874
Website: www.ksadv.org

Kentucky Domestic Violence Association

111 Darby Shire Circle
Frankfort, Kentucky 40601
Phone: (502) 209-5382
Fax: (502) 226-5382
Email: info@kcadv.org
Website: www.kcadv.org

Louisiana Coalition Against Domestic Violence

P.O. Box 77308
Baton Rouge, Louisiana 70879-7308
Phone: (225) 752-1296
Hotline: (888) 411-1333
Fax: (225) 751-8927
Website: www.lcadv.org

Maine Coalition to End Domestic Violence

104 Sewall St.
Augusta, Maine 04330
Phone: (207) 430-8334
Fax: (207) 430-8348
Email: info@mcedv.org
Website: www.mcedv.org

Maryland Network Against Domestic Violence

4601 Presidents Dr., Suite 370
Lanham, Maryland 20706
Phone: (301) 429-3601
Hotline: (800) MD-HELPS
Fax: (301) 429-3605
Email: info@mnadv.org
Website: www.mnadv.org

Jane Doe Inc.

Massachusetts Coalition Against Sexual Assault and Domestic Violence

14 Beacon St., Suite 507
Boston, Massachusetts 02108
Phone: (617) 248-0922
Hotline: (877) 785-2020
TTY/TDD: (617) 263-2200
Fax: (617) 248-0902
Email: info@janedoe.org
Website: www.janedoe.org

Michigan Coalition Against Domestic Violence

3893 Okemos Rd., Suite B-2
Okemos, Michigan 48864
Phone: (517) 347-7000
TTY: (517) 381-8470
Fax: (517) 347-1377
Email: general@mcadsv.org
Website: www.mcadsv.org

Minnesota Coalition for Battered Women

60 E. Plato Blvd., Suite 130
St. Paul, Minnesota 55107
Voice/TDD: (651) 646-6177
Toll-Free: (800) 289-6177
Hotline: (651) 646-6177
Fax: (651) 646-1527
Website: www.mcbw.org

Mississippi Coalition Against Domestic Violence

P.O. Box 4703
Jackson, Mississippi 39296
Phone: (601) 981-9196
Hotline: (800) 898-3234
(800) 799-7233 (after hours)
Fax: (601) 981-2501
Website: www.mcadv.org Missouri

Missouri Coalition Against Domestic and Sexual Violence

217 Oscar Dr., Suite A
Jefferson City, Missouri 65101
Phone: (573) 634-4161
Toll-Free: (888) 666-1911
Fax: (573) 636-3728
Email: mocadsv@mocadsv.org
Website: www.mocadsv.org

Montana Coalition Against Domestic and Sexual Violence

P.O. Box 818
Helena, Montana 59624
Phone: (406) 443-7794
Toll-Free: (888) 404-7794
Fax: (406) 443-7818
Email: mtcoalition@mcadsv.com
Website: www.mcadsv.com

Nebraska Domestic Violence Sexual Assault Coalition

245 South 84th St., Suite 200
Lincoln, Nebraska 68510
Phone: (402) 476-6256
Hotline: (800) 876-6238
Fax: (402) 476-6806
Email: info@nebraskacoalition.org
Website: www.nebraskacoalition.org

Nevada Network Against Domestic Violence

250 South Rock Blvd., Suite 116
Reno, Nevada 89502
Phone: (775) 828-1115
Toll-Free: (800) 230-1955
Hotline: (800) 500-1556
Fax: (775) 828-9911
Website: www.nnadv.org

New Hampshire Coalition Against Domestic and Sexual Violence

P.O. Box 353
Concord, New Hampshire 03302
Phone: (603) 224-8893
Hotline: (866) 644-3574 (in state)
Fax: (603) 228-6096
Website: www.nhcadsv.org

New Jersey Coalition to End Domestic Violence

1670 Whitehorse-Hamilton Square Rd.
Trenton, New Jersey 08690
Phone: (609) 584-8107
Hotline: (800) 572-7233
TTY: (609) 584-0027
Fax: (609) 584-9750
Email: info@njcedv.org
Website: www.njcedv.org

STATE DOMESTIC VIOLENCE COALITIONS

New Mexico Coalition Against Domestic Violence

1210 Luisa St., Suite 7
Santa Fe, New Mexico 87505
Phone: (505) 246-9240
Fax: (505) 246-9240
Email: info@nmcadv.org
Website: www.nmcadv.org

New York State Coalition Against Domestic Violence

119 Washington Ave.
Albany, New York, 12210
Hotline: (800) 942-6906 (English)
(800) 942-6908 (Spanish)
TTY: (800) 818-0656 (English)
(800) 780-7660 (Spanish)
Fax: (518) 482-3807
Email: nyscadv@nyscadv.org
Website: www.nyscadv.org

North Carolina Coalition Against Domestic Violence

3710 University Dr., Suite 140
Durham, North Carolina 27707
Phone: (919) 956-9124
Toll-Free: (888) 997-9124
Fax: (919) 682-1449
Website: www.nccadv.org

North Dakota Council on Abused Women's Services

525 North 4th St.
Bismarck, North Dakota 58501
Phone: (701) 255-6240
Toll-Free: (888) 255-6240
Fax: (701) 255-1904
Email: ndcaws@ndcaws.org
Website: www.ndcaws.org

Ohio Domestic Violence Network

1855 E. Dublin-Granville Rd., Suite 301
Columbus, Ohio 43229
Phone: (614) 781-9651
Toll-Free: (800) 934-9840
Fax: (614) 781-9652
Email: info@odvn.org
Website: www.odvn.org

Action Ohio Coalition for Battered Women

P.O. Box 423
Worthington, Ohio 43085-0423
Phone: (614) 825-0551
Toll-Free: (888) 622-9315
Fax: (614) 825-0673
Email: actionohio@sbcglobal.net
Website: www.actionohio.org

Oklahoma Coalition Against Domestic Violence and Sexual Assault

3815 N. Santa Fe Ave., Suite 124
Oklahoma City, Oklahoma 73118
Phone: (405) 524-0700
Hotline: (800) 522-7233
Fax: (405) 524-0711
Email: info@ocadvsa.org
Website: www.ocadvsa.org

Oregon Coalition Against Domestic and Sexual Violence

9570 SW Barbur Blvd., Suite 214
Portland, Oregon 97219
Phone: (503) 230-1951
Hotline: (888) 235-5333
Fax: (503) 230-1973
Website: www.ocadsv.org

Pennsylvania Coalition Against Domestic Violence

3605 Vartan Way, Suite 101
Harrisburg, Pennsylvania 17110
Main Office

National: (800) 932-4632
National: (800) 537-2238
TTY: (800) 553-2508
Fax: (717) 671-8149

Legal Office

PA Only: (888) 23-LEGAL
National: (800) 903-0111 ext. 2
Fax: (717) 671-5542
Website: www.pcadv.org

Coordinadora Paz Para La Mujer, Inc.

Apartado 193008
San Juan, Puerto Rico 00919
Phone: (787) 281-7579
Fax: (787) 767-6843
Email: pplmsmtp@ayustar.net
Website: www.pazparalamujer.org

Rhode Island Coalition Against Domestic Violence

422 Post Rd., Suite 102
Warwick, Rhode Island 02888
Phone: (401) 467-9940
Helpline: (800) 494-8100
Fax: (401) 467-9943
Email: ricadv@ricadv.org
Website: www.ricadv.org

South Carolina Coalition Against Domestic Violence and Sexual Assault

2711 Middleburg Dr. #212
Columbia, South Carolina 29204
Phone: (803) 256-2900
Toll Free: (800) 260-9293
Fax: (803) 256-1030
Email: executivedirector@sccadvasa.org
Website: www.sccadvasa.org

South Dakota Coalition Against Domestic Violence and Sexual Assault

P.O. Box 141
Pierre, South Dakota 57501
Phone: (605) 945-0869
Hotline: (800) 572-9196
Fax: (605) 945-0870
Email: pierre@sdcadvsa.org
Website: www.sdcadvsa.org

Tennessee Coalition Against Domestic and Sexual Violence

International Plaza
2 International Plaza Dr., Suite 425
Nashville, Tennessee 37217
Phone: (615) 386-9406
Toll Free: (800) 289-9018
Fax: (615) 383-2967
Email: tcadsv@tcadsv.org
Website: www.tcadsv.org

Texas Council on Family Violence

P.O. Box 163865
Austin, Texas 78716
Phone: (512) 794-1133
Toll Free: (800) 525-1978
Hotline: (800) 799-7233
Fax: (512) 794-1199
Website: www.tcfv.org

Women's Coalition of St. Croix

P.O. Box 222734
Christiansted, Virgin Islands 00822
Phone: (340) 773-9272
Fax: (340) 773-9062
E-mail: info@wcstx.org
Website: www.wcstx.com

Utah Domestic Violence Council

124 South 400 East, Suite 300
Salt Lake City, Utah 84111
Phone: (801) 521-5544
Hotline: (800) 897-5465
Fax: (801) 521-5548
Website: www.udvc.org

Vermont Network Against Domestic and Sexual Violence

P.O. Box 405
Montpelier, Vermont 05601
Phone: (802) 223-1302
Hotline: (800) 228-7395
TTY: (802) 223-1115
Fax: (802) 223- 6943
Email: vtnetwork@vtnetwork.org
Website: www.vtnetwork.org

Virginia Sexual and Domestic Violence Action Alliance

The Corporate Center
5008 Monument Ave., Suite A
Richmond, Virginia 23230
Phone: (804) 377-0335
Hotline/TTY: (800) 838-8238
Fax: (804) 377-0339
Email: info@vsdvalliance.org
Website: www.vsdvalliance.org

Washington State Coalition Against Domestic Violence

Olympia Office
711 Capitol Way, Suite 702
Olympia, Washington 98501
Phone: (360) 586-1022
TTY: (360) 585-1029
Fax: (360) 586-1024
Email: wscadv@wscadv.org
Website: www.wscadv.org
Seattle Office
500 Union St., Suite 200
Seattle, Washington 98101
Phone: (206) 389-2515
TTY: (206) 389-2900
Fax: (206) 389-2520
Email: wscadv@wscadv.org

Wyoming Coalition Against Domestic Violence and Sexual Assault

710 E. Garfield St , Suite 218
Laramie, Wyoming 82070
P.O. Box 236
Laramie, Wyoming 82073
Phone: (307) 755-5481
Hotline: (800) 990-3877
Legal Line: (307) 755-0992
Fax: (307) 755-5482
Email: info@mail.wyomingdvsa.org
Website: www.wyomingdvsa.org

West Virginia Coalition Against Domestic Violence

5004 Elk River Rd. S.
Elkview, West Virginia 25071
Voice/TTY:(304) 965-3552
Hotline: (800) 799-7233
Fax: (304) 965-3572
Website: www.wvcadv.org

STATE DOMESTIC VIOLENCE COALITIONS

Wisconsin Coalition Against Domestic Violence

1245 E. Washington Ave., Suite 150
Madison, Wisconsin 53703
Phone: (608) 255-0539
Fax: (608) 255-3560
Email: wcadv@wcadv.org
Website: www.wcadv.org

Wyoming Coalition Against Domestic Violence and Sexual Assault

710 E. Garfield St , Suite 218
Laramie, Wyoming 82070
P.O. Box 236
Laramie, Wyoming 82073
Phone: (307) 755-5481
Hotline: (800) 990-3877
Legal Line: (307) 755-0992
Fax: (307) 755-5482
Email: info@mail.wyomingdvsa.org
Website: www.wyomingdvsa.org

Alabama State Legislature

State House, Suite 613
11 S. Union Street
Montgomery, Alabama 36130
House: (334) 242-7600
(334) 242-7560
Senate: (334) 242-7800
Website: www.legislature.state.al.us

Alaska Legislative Information Office

Thomas B. Stewart Building
State Capitol, Terry Miller Building,
Suite 111
Juneau, Alaska 99801-1182
House: (907) 465-3725
Senate: (907) 465-3701
Website: <http://w3.legis.state.ak.us/>

Arizona State Legislature

State Capitol
1700 W. Washington Street
Phoenix, Arizona 85007
House: (602) 926-4221
Senate: (602) 542-3559
Website: www.azleg.gov

Arkansas State Legislature

State Capitol
500 Woodlane St., Suite 256
Little Rock, Arkansas 72201
House:(501) 682-6211 (In session)
House:(501) 682-7771 (Out of session)
Senate:(501) 682-2902 (In session)
Senate:(501) 682-6107 (Out of session)
Website: www.arkleg.state.ar.us

**California Office of the Chief Clerk
of the Assembly**

State Capitol, Room 3196
Sacramento, California 95814
House: (916) 319-2856
Website: www.legislature.ca.gov

**California Office of the
Secretary of the Senate**

State Capitol, Room 3044
Sacramento, California 95814
House: (916) 445-4251
Website: <http://secretary.senate.ca.gov/>

Colorado Legislative Council

State Capitol, Room 029
Denver, Colorado 80203
House: (303) 866-3521
Senate: (303) 866-3855
Website: www.colorado.gov

**Connecticut Law and Legislative
Reference Unit**

State Library, Room L212
231 Capitol Ave.
Hartford, Connecticut 06106
House: (860) 757-6590
Senate: (860) 757-6539
Website: www.cslib.org

**Delaware Division of Research,
Legislative Council**

Legislative Hall, Ground Floor
411 Legislative Ave.
P.O. Box 1401
Dover, Delaware 19903
House: (302) 744-4114
Senate: (302) 739-3895
Website: www.legis.delaware.gov

**District of Columbia Office of the
Secretary, Council of the District of
Columbia**

John A. Wilson Building
1350 Pennsylvania Ave., NW, Suite 5
Washington, District of Columbia 20004
House: (202) 724-8080
Senate: (202) 347-3070
Website: www.dccouncil.washington.dc.us

**Florida Division of
Legislative Information Services**

Claude Pepper Building,
Room 704
111 W. Madison St.
Tallahassee, Florida 32399
House: (850) 488-4371
Senate: (850) 921-5334
Email: leg.info@leg.state.fl.us
Website: www.leg.state.fl.us

**Georgia Office of the Clerk
of the House of Representatives**

State Capitol, Room 309
Atlanta, Georgia 30334
House: (404) 656-5015
Website: www.legis.state.ga.us

**Georgia Office of the
Secretary of the Senate**

State Capitol, Room 353
Atlanta, Georgia 30334
House: (404) 656-5040
Senate: (404) 656-5043
Website: www.senate.ga.gov

Hawaii Legislative Reference Bureau

State Capitol, Room 005
Honolulu, Hawaii 96813
House: (808) 587-0690
Senate: (808) 587-0699
Email: lrb@capitol.hawaii.gov
Website: www.capitol.hawaii.gov

**Idaho Legislative Reference Library
Legislative Services Office**

Capitol Annex, 514 W. Jefferson St.
P.O. Box 83720
Boise, Idaho 83720
House: (208) 334-2475
Senate: (208) 334-2125
Email: lsoweb@lso.idaho.gov
Website: www.legislature.idaho.gov

Illinois Legislative Research Unit

222 S. College, Suite 301
Springfield, Illinois 62704
House: (217) 782-6851
Senate: (217) 785-7572
Email: lru@ilga.gov
Website: www.ilga.gov

**Indiana House of Representatives
Legislative Services Agency**

200 W. Washington
Indianapolis, Indiana 46204
House: (317) 232-9600
Website: www.in.gov/legislative

**Indiana State Senate Legislative
Services Agency**

200 W. Washington
Indianapolis, Indiana 46204
House: (317) 232-9400
Website: www.in.gov/legislative

Iowa Legislative Information Office

1007 E. Grand Ave.
State Capitol, Ground Floor,
Room G16
Des Moines, Iowa 50319
House: (515) 281-5129
Email: lioinfo@legis.state.ia.us
Website: www.legis.iowa.gov

**Kansas Division of Legislative
Administrative Services**

State House, Room 511-S
300 SW Tenth Ave.
Topeka, Kansas 66612
House: (785) 296-2391
Senate: (785) 296-1153

**Kentucky Legislative
Research Commission**

State Capitol, Room 300
700 Capitol Ave.
Frankfort, Kentucky 40601
House: (502) 564-8100
Senate: (502) 223-5094
Email: robert.jenkins@lrc.ky.gov
Website: www.lrc.state.ky.us

Louisiana State Library

Louisiana Room
701 N. Fourth St.
P.O. Box 131
Baton Rouge, Louisiana 70802
House: (225) 342-4914
Senate: (225) 342-2791
Email: laref1@slol.lib.la.us
Website: www.state.lib.la.us

**Maine Law and Legislative
Reference Library**

State House, Room 202
43 State House Station
Augusta, Maine 04333
House: (207) 287-1600
Senate: (207) 287-6467
Website: www.maine.gov/legis

**Maryland Department of
Legislative Services**

Department of Legislative Services
90 State Cir.
Annapolis, Maryland 21401
House: (410) 946-5400
Senate: (410) 946-5405
Email: libr@mlis.state.md.us
Website: http://dls.state.md.us/

**Massachusetts Office of the Clerk of
the House of Representatives**

24 Beacon St.
State House, Room 145
Boston, Massachusetts 02133
House: (617) 722-2356
Senate: (617) 722-2798
Website: www.mass.gov/legis

**Massachusetts Office of the
Clerk of the Senate**

State House, Room 335
Boston, Massachusetts 02133
House: (617) 722-1276
Website: www.malegislature.gov

Michigan Clerk of the House

State Capitol, Room H70
P.O. Box 30014
Lansing, Michigan 48909
House: (517) 373-0135
Senate: (517) 373-5930
Email: clerk@house.mi.gov
Website: www.michiganlegislature.org

Michigan Secretary of the Senate

State Capitol, Room S5
P.O. Box 30036
Lansing, Michigan 48909
House: (517) 373-2400
Senate: (517) 373-9635
Website: www.michiganlegislature.org

Minnesota House Public Information Office

State Office Building, Room 175
 St. Paul, Minnesota 55155
 House: (651) 296-2146
 Senate: (651) 297-8135
 Website: www.house.leg.state.mn.us

Minnesota Senate Information Office

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
 P.O. 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
 P.O. 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.
 P.O. 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
 P.O. Box 94604
 Lincoln, Nebraska 68509
 House: (402) 471-2271
 Senate: (402) 471-2126
 Website: www.nebraskalegislature.gov

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
P.O. 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

**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**
82 Smith St.
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
Services Agency**
223 Blatt Building
1105 Pendleton St.
Columbia, South Carolina 29201
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/

**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: <http://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
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