



NEW YORK STATE SENATOR

Ruth Hassell-Thompson

Governor Paterson Signs Legislation to Strengthen Protections for Victims of Domestic Violence

RUTH HASSELL-THOMPSON October 9, 2009

| ISSUE: **VICTIMS**

| COMMITTEE: **CRIME VICTIMS, CRIME AND CORRECTION**

Governor David A. Paterson today signed into law a bill to enhance protections for victims of domestic violence. The new legislation, a program bill introduced by the Governor last spring and whose terms were agreed upon between the Governor and legislative leaders, holds individuals more accountable for their abusive actions and improves upon the court system's response to affected families. The bill, A.9017 / S.55306 / S.5031-A, passed overwhelmingly in both the New York State Senate and Assembly.

"Stopping domestic violence should be a national priority, and I am encouraged that New York is leading the way in giving law enforcement and the courts the tools they need to end abuse," Governor Paterson said. "I am proud to sign legislation designed to provide a strong response to domestic violence and to protect those that have suffered from abuse. I applaud Assemblywoman Weinstein and Senator Hassell-Thompson for helping make this bill a reality and taking the lead in Albany on this issue and commend the Legislature for enacting this measure."

Senator Ruth Hassell-Thompson added: "Unfortunately, we are all well-aware of the devastating consequences of domestic violence and its affect on the children and families of our communities. This critical legislation which is long overdue in New York State will better protect victims and essentially save lives."

Assemblywoman Helene E. Weinstein, Chair of the Assembly Judiciary Committee, said: "I am extremely heartened to partner with Senator Hassell-Thompson in sponsoring this legislation from Governor Paterson which builds upon protections for victims of domestic violence that I and the

Assembly have championed over the past two decades. As the prime sponsor of numerous laws that have been enacted to enhance protections for domestic violence victims and their children, I believe this legislation, that includes certain sex crimes as a family offense, and that strengthens the 1996 law which I sponsored, mandating consideration of established domestic violence in custody and visitation matters, is an important step towards better addressing domestic violence – a crime of enormous magnitude with far reaching and lasting consequences for victims, their families and society at large." Requires education and training for court-appointed attorneys for children, as children exposed to domestic violence often suffer psychological, behavioral and academic challenges. Training on the dynamics of domestic violence will enable these attorneys to better assist their clients and make appropriate recommendations to the court;

The bill responds to several broad areas impacted by domestic violence:

Establishes Procedures to Ensure Domestic Violence is Appropriately Factored into Custody Decisions:

Strengthens a 1996 law that established domestic violence as a factor the courts must consider in child custody and visitation proceedings. The new law requires courts to state for the record how domestic violence, when established, factored into their custody and visitation determinations.

Protects Victims of Sexual Assault within a Family Setting;

Establishes certain sex crimes as "family offenses," thereby allowing evidence to be heard in order of protection proceedings in family court;

Ensures that mandatory arrest apply to these domestic violence offenses;

Holds Offenders Accountable for their Actions:

Requires law enforcement officers who respond to a domestic incident involving an individual on probation or parole to send a copy of the domestic violence incident report to the supervising agency as soon as practicable. Since supervising agencies frequently impose the condition that a probationer or parolee report any contact with law enforcement, this law will assist in enforcing that condition and help hold offenders accountable.

This is one of a number of domestic violence bills enacted under the Governor's signature this summer. These include: a bill to prohibit employment discrimination against victims of domestic violence; a bill to require college campuses to distribute information on domestic violence and sexual assault; and a bill to prohibit imposing a requirement that a victim of domestic violence contact his or her abuser as a condition of receiving a public benefit.

Every year in New York State, police officers respond to almost half a million calls about domestic violence. A study by the state Division of Criminal Justice Services showed that 43 percent of adult female homicide victims were killed by their intimate partner.

The Office for the Prevention of Domestic Violence (OPDV) has been working to quantify the problem of domestic violence in New York State, a crime that remains under-reported. OPDV recently published Domestic Violence Annual Report – 2008, which highlights steps the State has taken to address domestic violence, and created the Domestic Violence Dashboard, a comprehensive compilation of domestic violence-related data from multiple agencies and systems. Both the report and the Dashboard are available on the OPDV website: www.opdv.state.ny.us.

The following statements were provided in support of the new legislation:

Deputy Secretary for Public Safety Denise E. O'Donnell said: "All too often, those of us who work in the criminal justice system see the devastating consequences of domestic violence; we react after the damage has been done to families. This legislation provides judges, police, parole and probation officers with additional tools that will allow them to enhance the safety and security of domestic violence victims and work to prevent future victimization."

Amy Barasch, Executive Director of the Governor's Office for the Prevention of Domestic Violence (OPDV), said: "This inclusive bill offers a strong package of responses to domestic violence, including an emphasis on the importance of considering all forms of domestic violence in Family Court cases where critical decisions are often made in the context of custody and visitation. This broad series of provisions will go a long way toward better protecting families and giving law enforcement and communities the tools they need to reduce domestic violence."

Robert M. Maccarone, State Director of Probation and Correctional Alternatives, said: "Probation professionals applaud the leadership of Governor David Paterson in signing this important legislation into law. An important provision of this new law will save the lives of New Yorkers by enabling probation and parole officers to hold domestic violence abusers accountable, ensuring swift and certain action in response to acts of violence."

Patti Jo Newell, acting Chief Executive Officer of the New York State Coalition Against Domestic Violence, said: "This omnibus domestic violence program bill is a big step forward in strengthening New York's response to domestic violence. We appreciate the Governor's and Legislature's leadership in prioritizing domestic violence. It's especially important that this bill will address so many different circumstances and challenges that survivors of domestic violence must face. It's a complex problem requiring comprehensive solutions."

Amy Schwartz, Empire Justice Center, said: "Empire Justice Center applauds Governor David Paterson and the New York State Legislature for enacting what is, perhaps, the most comprehensive domestic violence law reform package enacted since the Family Protection and Domestic Violence Intervention Act was passed fifteen years ago. With its wide-ranging and holistic response to offender accountability and victim and children's safety, the new law provides for many long-needed improvements that will have a real impact on the lives of domestic violence victims in our state."