STATE OF NEW JERSEY

ADVISORY COUNCIL ON

DOMESTIC VIOLENCE

FIRST ANNUAL REPORT

July, 1990
State of New Jersey
ADVISORY COUNCIL ON DOMESTIC VIOLENCE

July 1, 1990

The Honorable Jim Florio
Governor of the State of New Jersey

Dear Governor Florio:

The Advisory Council on Domestic Violence is pleased to submit its 1990 Report for your review and consideration. The Report examines the status of New Jersey's domestic violence prevention and protection efforts and identifies areas still in need of immediate attention. It is the Council's fervent hope that your administration will play a leading role in bringing New Jersey's domestic violence prevention process into the national forefront by increasing the availability of supportive and protective services to all victims of family violence, and by fostering a more intense level of coordination among law enforcement, service-providers, and the court system.

In this regard, and in recognition of the critical need for training, education, and public awareness concerning the dynamics of family violence and the pressing need to expand our protective services network, we ask that these areas be insulated from the budget austerity and reduction program that you have announced as one of the goals of your administration. Although we support your efforts in this endeavor, we remain convinced that any short-term savings that might result from a reduction of funds targeted for domestic violence programs, will be far outweighed by the long-term costs of continued increases in domestic violence cases. Our findings indicate that the absence of additional funds for domestic violence programs and services will seriously impact on families in crisis. It is our hope and recommendation that your administration will seek to increase the State's fiscal commitment to improving services to one of our more vulnerable, at-risk populations.

New Jersey has made major strides in the area of domestic violence prevention and protection, and we feel that it is on the verge of being in the national vanguard. We ask that you lead us into a new decade that holds the promise of safety for thousands of New Jersey families. We will be pleased and ready to assist your efforts in any way possible.

Sincerely,

Jacquelyn E. Marich
Chair
Dear Colleagues:

The enclosed report summarizes the recent work of the Advisory Council On Domestic Violence and sets forth recommendations for future action in continuing our commitment to the elimination of domestic violence in the State of New Jersey.

As a result of these efforts, legislation has been introduced to amend the Prevention of Domestic Violence Act based on recommendations compiled from four public hearings and several other interest groups during 1988 and 1989. A summary of the proposed amendments is included in the report.

Extensive research and recommendations have also been accomplished in the areas of public awareness, training and education regarding domestic violence. Pending issues and recommendations for future planning complete the report. I would like to thank all those who have worked with us so diligently over the past two years, both Council appointees and non-members who, nonetheless, spent many hours working with us to accomplish our mission.

I would especially like to thank Sandy Clark and Debbie Conklin of the New Jersey Coalition for Battered Women, Beverly Crawford and Phyllis Moon from the Division On Women, Nancy Kessler from the Administrative Office of the Courts, and Karen Beckmeyer from the Division of Youth and Family Services for the staff support and assistance they provided to the Council and its members.

I would also like to thank Melanie Griffin and Helen Szabo for their tireless efforts on behalf of the legislative amendments. Thanks also to my co-chair, Donna Hildreth. And finally, a special thanks to Cheryl Edwards, of the Division On Women, for getting us started on the right foot and for her ongoing support and commitment to ending violence in the lives of New Jersey families.

Sincerely,

Beverly I. Gilbert
Former Chairperson
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REPRESENTATIVE  
NEW JERSEY NURSES ASSOCIATION
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The Advisory Council on Domestic Violence was reactivated in 1987 to bring coordination and coherence to New Jersey's efforts to address the issue of domestic violence from a statewide perspective.

**BACKGROUND**

The original Advisory Council on Shelters for Victims of Domestic Violence was established in 1980 under the authority of N.J.S.A. 30:14 et seq. (the Shelters for Victims of Domestic Violence Act). Created to assist the Department of Human Services in the development of domestic violence programs and services, the 10 member Council included representatives from: the Division On Women; the Division of Youth and Family Services; the Division of Public Welfare (now known as the Division of Economic Assistance); the State Law Enforcement and Planning Agency; the Department of Education; Legal Services of New Jersey; provider agencies; and consumers of services. From an historical perspective and in partial fulfillment of its legislative mandate, the Council's most significant contribution was the development of service standards for shelters for victims of domestic violence (N.J.A.C. 10:130 et. seq.; 1982). At that time, the movement was still in the "grassroots" stages and most programs were operating with insufficient resources, ever-increasing caseloads and no prospects for additional funding or support. The Council recognized these limitations and sought to balance the need for comprehensive, quality services with practical realities. As a result, the original standards have provided us with a solid base for defining service expectations and domestic violence program goals.

With the passage of S-1318 (Lipman), the Legislature reactivated and expanded the membership and duties of the Advisory Council on Shelters for Victims of Domestic Violence and changed its name to the Advisory Council on Domestic Violence. The bill was signed by Governor Kean and has been in effect since July 1987.

The 19 member Council includes: the Directors of the Division On Women; the Division of Youth and Family Services; the Division of Economic Assistance; the Commissioner of the Department of Education; the Attorney General; and representatives from Legal Services of New Jersey; the Police Chiefs Association; the Prosecutors Association; the Nurses Association; the Mental Health Association; the Crime Prevention Officers Association; the Hospital Association; the Violent Crimes Compensation Board; former shelter residents and the New Jersey Coalition for Battered Women.
As outlined in the legislation, the new Council is charged with the following responsibilities:

- to monitor the effectiveness of laws concerning domestic violence and make recommendations for their improvement;

- to review proposed legislation and make recommendations to the Governor and Legislature;

- to study needs, priorities, programs and policies throughout the State;

- to ensure that providers and the community are aware of needs and services;

- to make recommendations for community education and training programs.

As an additional legislative mandate, the Council is required to periodically advise Directors of both the Division of Youth and Family Services and the Division of Women regarding its activities, findings and recommendations.

The Advisory Council Subcommittees address specific areas of concern. Each subcommittee is chaired by a member of the Council and includes community representatives and staff from various State agencies.

- **The Public Awareness, Education and Training Subcommittee** is chaired by Courtney Esposito. This subcommittee seeks to promote public awareness regarding the problem of domestic violence and the various ways advocates, communities, families, the private sector, government and the public can work together to improve New Jersey’s response to the issue of family violence.

- **The Legislative Subcommittee** is chaired by Susan Fleisch, Vice President of NJ Coalition for Battered Women. The efforts of this subcommittee are focused on the review and analysis of proposed legislation to determine its impact on victims, the service delivery system and the domestic violence process in general. The subcommittee is also responsible for making recommendations and developing new amendatory legislation where needed.

- **The Program Services Subcommittee** is chaired by Beverly Gilbert, Executive Director of Atlantic County Women’s Center. This subcommittee identifies...
studies the various needs, priorities and problems within the existing network of domestic violence services and makes recommendations for their improvement.

1988-1990 ACTIVITIES

Council activities during this time period centered on the development of a legislative package containing recommendations and proposed amendments to the Prevention of Domestic Violence Act (N.J.S.A. 2C:25.et seq.).

In September 1988, the Council sponsored four public hearings throughout the State to determine how law enforcement, the courts and the legal community could improve and better enforce the Prevention of Domestic Violence Act.

The hearings were held in Bloomfield on September 8, 1988; in Somerville on September 15, 1988; in Atlantic City on September 27, 1988; and in Trenton on October 13, 1988.

Approximately 150 attorneys, client advocates, battered women, medical professionals, police, prosecutors and other concerned individuals presented testimony and recommendations to the Council based on their experiences with the implementation of the existing law. The following highlights and testimonial excerpts provide a brief summary of the hearings:

As stated in the Council's summary report on the public hearings, one of the most problem-ridden areas in the administration of the Act is the police response to domestic violence complaints. Although a number of individual officers and police departments were praised for their efforts, hearing participants repeatedly expressed their frustration in dealing with this aspect of the system and described an alarming number of instances where law enforcement officers may have acted inappropriately. Witnesses were particularly concerned with widespread inconsistencies among State, county and municipal police in handling domestic violence situations. Some of the most frequently cited complaints included: failure to notify victims of their rights and available relief, including the right to sign a complaint and request a restraining order; reluctance to arrest or remove batterers from the residence; substituting a “cooling off” period for the abuser in lieu of formal intervention; and the employment of a dual arrest strategy whereby both parties are taken into custody.
In spite of the mandatory arrest requirements of the current statute, many witnesses testified that police are nonetheless reluctant to arrest the perpetrator even when the victim exhibits clear signs of injury. Perhaps even more disturbing is the fact that witnesses related instances where police officers were found to have minimized the situation, openly sympathized with the perpetrator and denied victims access to domestic violence program staff.

Other problems most frequently mentioned at all four hearings concern the judiciary and an apparent lack of uniformity around the interpretation, implementation and enforcement of the Prevention of Domestic Violence Act. Witnesses voiced their concerns cited problems in such areas as: the court’s reluctance to issue child custody, visita and support orders as part of the final restraining order; the use of in-house and multi-restraint orders; the use of mediation or consent process orders; the lack of court-mandated counseling for batterers; the inconsistent duration of restraining orders; the reluctance to consider the existence of a defendant’s prior record; the inconsistent availability of municipal court judges on a 24-hour basis; and most importantly, the perceived insensitivity on the part of various judges and court personnel toward the plight of victims.

While it was generally agreed that we have made great strides in improving New Jersey’s response to the problem of domestic violence, witnesses poignantly testified to the need for additional improvement. Hearing participants repeatedly called for the development and implementation of a standardized system for education and training in the area of domestic violence. The underlying premise is that law enforcement and the judiciary must share one set of standard operating procedures throughout the state if victims are to be afforded the protection to which they are entitled.

Witnesses also identified problems in other areas of the law, including: confidentiality in case conferencing, consent orders and mediation; child custody and visitation; counseling for batterers; enforcement of restraining orders; and the need to amend some of the legislative language contained in the current legislation. The overwhelming sentiment was that there are no easy solutions to the problem of domestic violence and the needs of victims - that it requires additional resources and our continued hard work and rededication to the fundamental principles of advocacy and the law. In response to the testimony presented at hearings, the Council developed and proposed comprehensive amendments to the Prevention of Domestic Violence Act.
Through the public hearing process, the Council gained valuable insight into how law enforcement, social service agencies and the courts can improve the current system. The recommendations which emerged from the hearings assisted the Council in its efforts to amend the law and rewrite the Prevention of Domestic Violence Act.

The Advisory Council submitted the first draft version of the proposed amendments to Senator Lipman for her preliminary review and approval in May 1989. Senator Lipman approved the suggested amendments and, together with Senator DiFrancesco, first introduced S-3758 to the Senate Judiciary Committee in June 1989.

With additional comments and recommendations still coming in from various groups and related agencies, the Legislative Subcommittee continued to work on the proposed bill throughout the Fall. Additional modifications were incorporated into the draft by November 1989 and the final version of the bill was introduced as S-2230 (The Prevention of Domestic Violence Act of 1990). S-2230 is currently pending before the Senate. A summary of the proposed amendments follows:

- The Legislative Findings and Declarations includes a new section that stresses the responsibility of the courts to protect victims through the provision of civil and criminal court access, and by ordering remedies and sanctions to assure their safety. It calls for the implementation of a uniform training program for all law enforcement and judicial personnel and encourages a broad application of the Act.

- The proposed amendments require that the Police Training Commission develop a domestic violence training course and curriculum for law enforcement officers. Under the new law, the Attorney General would be responsible for ensuring that all officers in New Jersey receive appropriate training. In addition, the Administrative Office of the Courts (AOC) is charged with the task of developing a similar course and curriculum for judges and judicial personnel.

- The definition of “domestic violence” has been expanded to include homicide, terroristic threats and criminal trespass. The term “cohabitant” has been deleted from the Act and replaced by the term “victim of domestic violence”. A “victim” remains a person 18 years of age or older or an emancipated minor.

- Mandatory arrest has been broadened to include violations of restraining orders, situations where a warrant is in effect, or where there is probable cause to believe that a weapon was involved, in addition to situations where signs of injury are
The "victim bill of rights" has been expanded and rewritten in simpler language to better inform victims of the provisions available to them under the law and procedures for obtaining relief from the abuse.

The amendments also seek to ensure the confidentiality of the victim's local court and strengthen bail procedures, lend greater protection to victims, and restate victim's right to apply for civil remedies when criminal charges have been filed.

To present the provisions of the Act in a better sequential order, Sections 12 and 14 of the existent law have been merged into Section 12. This section combines complaints by victims, jurisdiction, filing of complaints, emergency orders and duration of restraining orders. In addition to the current content of Sections 12 and 14, this section clarifies that a victim may file where he/she currently resides even if the victim is sheltered. Criminal contempt complaints, however, must be prosecuted in the county where the contempt is committed.

As amended, the law would allow a judge to issue a temporary restraining order under certain circumstances, to a victim who is not physically present in court. A judge could also issue an order upon a sworn complaint by a person representing a victim who is physically or mentally incapable of filing for themselves. Police or the sheriff must immediately serve notice of the order upon the defendant. In addition, all temporary and final orders will be effective throughout the State and enforced accordingly.

The new law would also give testimonial immunity to parties in a civil action so as to avoid criminal proceedings are not delayed when simultaneous criminal charges are pending. The law deletes "whether the application was made in a reasonable after the alleged act of domestic violence occurred" as a consideration for granting temporary restraining orders, and adds "the existence of a verifiable ord protection from another jurisdiction" as a consideration.

Under the proposed amendments, visitation arrangements are to specify plac
frequency and are to protect the safety of the victim and children. Further, the court must consider a plaintiff's request that a risk assessment be performed to determine the impact such arrangements would have on the child(ren) prior to issuing a visitation order. The court's ability to deny such a request is limited. The court must also consider a plaintiff's request for suspension of visitation because of risk to children. When awarding custody the court would have to "presume that the best interests of the child are served by an award of custody to the non-abusive parent".

- Available relief also includes emergency monetary relief to the victim and any dependants, an order requiring monitoring of the defendant by court personnel on any provision(s) of the order, and an order granting either party temporary possession of specified personal property. The relief section also restricts the issuance of in-house restraining orders to exceptional cases.

- The amendments clarify the contempt process and establish a minimum 30-day term of imprisonment for a person convicted of a second or subsequent non-indictable contempt offense. By making arrest mandatory in contempt cases, the amendments eliminate the need for police to transport the victim, along with the defendant, to an appropriate site following the defendant's arrest for violating a restraining order. The new law requires that police sign the complaints, or where there is insufficient probable cause to arrest the defendant for violating an order, that the police or court clerk assist the victim in signing a contempt complaint.

The Advisory Council remains confident that the Legislature will support its efforts to improve the system and offer victims even higher levels of protection with the passage of S-2230.

The Public Awareness, Education and Training Subcommittee convened an average of once each month over the past fifteen months to review training information and materials presented by individuals engaged in educating their colleagues on domestic violence issues. The recommendations presented in this section are the result of the subcommittee's research into and analysis of current training materials and activities from a variety of sources and professional communities including law enforcement, clergy, health care, education and the judiciary. The following recommendations highlight the subcommittee's report:

- Three one-day regional training events should be planned for a combined audience...
of women’s shelter staff, counselors and administrators of batterers’ programs regional drug and alcoholism agency staff. Courses should address the follow areas: the Prevention of Domestic Violence Act, family systems, dynamics of diction, intervention, treatment issues and description of the treatment syst:

- Expanded orientation sessions for newly appointed Superior and Municipal C judges should be conducted more frequently than the current practice of on year. A videotape summarizing the domestic violence court rules and proced as well as the dynamics of abuse should be compiled and shown to Family Divi Judges, Municipal Court Judges and Family Division personnel handling dom violence matters before or very shortly after their assignment begins.

County level training should be offered to newly hired court support person handling domestic violence cases very shortly after the inception of employment. The basic skills course for new juvenile and adult supervi Probation Officers should include a section concerning domestic violence alternatively, the attendees of the basic skills course could attend the E Domestic Violence Workshop offered by the Administrative Office of the Co Domestic violence training should also be given to Municipal Court Clerks be completing their first year of employment.

In addition, specific guidelines and training programs should be developed an included in the domestic violence procedures manual for the Family Division would help to ensure the sensitive treatment of of domestic violence victim:

- All police academies should conduct semi-annual trainings regarding the par needs of their jurisdiction. The format may follow what is reflected in recruit course but should be expanded to include victim/witness-related to violent crime issues and effective system referral. The resources of the co working groups should be used to address local training issues.

- County Prosecutors should provide executive forums or workshops for p chiefs regarding domestic violence and the specific needs of each county. The signment Judge (if possible), the Trial Court Administrator, the County Sh domestic violence program personnel and shelter directors should be include this forum. In addition, police agencies, police academies, domestic viol programs, shelters and other related groups should work cooperatively to dev training resources or training aids that would help to emphasize the vital in tance of an appropriate police response in domestic violence situations.
• Training and technical assistance in domestic violence intervention should be offered to health care facilities and major health care organizations and associations on a regular basis. Nursing, medical and dental schools, as well as other health care training academies and institutions, should be encouraged to offer domestic violence awareness and intervention as part of their curricula. Mental health practitioners should be offered regular training opportunities in domestic violence intervention. The phenomenon of elder abuse should be specially investigated, researched and addressed, and the direct link between child abuse and adult domestic violence should be highlighted. A model statewide program of domestic violence training and technical assistance for members of the health care community, such as the one described here, should be maintained and subsequently publicized as a model for other states and regions.

• Funds should be made available to continue the public awareness/public education program currently conducted by the New Jersey Division on Women. The statewide domestic violence hotline should continue to be advertised, using radio and television PSAs, billboards, bus cards, flyers, corporate stuffers, posters and brochures. All advertising should be translated into Spanish and disseminated appropriately.

• A practical handbook regarding domestic violence information and procedures for Spanish speaking victims should be printed and disseminated throughout the State. A strong outreach effort should also be targeted to such insular groups as the blind and deaf communities.

The subcommittee will continue to meet and discuss pending areas of training, including Assistant Prosecutors/Deputy Attorneys General; Child Support Hearing Officers; probation officers handling child support cases; child protective services and domestic violence workers; New Jersey State Police, campus police and special police; parole officers/parole hearing officers; private attorneys and Sheriffs officers. Further recommendations will be submitted to the Advisory Council as they are formulated.

The subcommittee is hopeful that the next stage of its work, dealing with the implementation of training and public awareness recommendations on domestic violence issues, will be helpful to the new administration and result in increased safety for those who suffer the isolation and entrapment caused by violence in the home.
PENDING LEGISLATION AND RELATED ISSUES

- **S-1405 (Bassano)** prohibits the use of in-house restraining orders in domestic violence cases under any circumstances.

- **S-2079 (Lipman)/A-1181** amends and repeals portions of the law governing custody and visitation; requires the court to consider the "history of domestic violence, if any" and the "safety of the child and the safety of either parent from physical abuse by the other parent" when determining the best interest of the child in a custody decision.

- **S-2206 (Dalton)/A-2946** increases the additional fee charged for marriage licenses from $5 to $25 and provides for certain organizations to be eligible for grants from the trust fund in which the fees are deposited.


- **A-186 (Penn)** requires domestic violence victims' rights statements and complaint forms to carry warnings concerning false complaints as acts of perjury, a crime punishable by imprisonment for up to three years.

- **A-797 (Roma)** increases from $30 to $100 certain crime-related penalties. The modified law permits the Violent Crimes Compensation Board to award grants for victim services targeted for a new Rape and Domestic Violence Victim Assistance Fund.

- **A-1558 (Girgenti)** requires a criminal record check prior to setting bail when a person is arrested for domestic violence; requires stricter procedures for setting and changing bail.

- **A-2576 (Hardwick)** prohibits the use of in-house restraining orders except in limited circumstances where the plaintiff voluntarily requests such an order.

The Advisory Council has also followed recent changes taking place at the VCCB, the Violent Crimes Compensation Board (VCCB), with great interest. At the present time, victims of domestic violence appear to be eligible for VCCB funds if the underlying violence is an enumerated offense under N.J.S.A. 52:4B-11, and if the victim and defendant are no longer residing together. However, recent changes in applicable federal funding criteria require that this type of cohabitation exclusion on
continued in those cases where the defendant would be enriched by the award, so that all victims of family violence will be treated in the same manner as other victims of violent crimes. The Council looks forward to this expansion of VCCB eligibility in New Jersey, and will work with VCCB representatives to publicize this information among victims of domestic violence.

During the coming year, the Legislative Subcommittee will contact the Governor’s Task Force on Child Abuse and Neglect to discuss the possible joint development of amendments to Title 9. The amendments would give minor victims of or witnesses to family violence access to protective orders that would exclude the abusive parent from the home. At the present time, the only recourse available to these children or their victimized parents is to pursue protection from the abuser through the removal of the child(ren) from the home.

In 1990, the Program Services Subcommittee will work on the development of implementation strategies for the following projects:

- an analysis of existing support services for domestic violence victims, family members and batterers;
- the development of minimum standards of service;
- an accompanying analysis for achieving and maintaining minimum levels of service delivery.

**FUTURE DIRECTION**

The State of New Jersey has the opportunity to be in the national vanguard in the areas of domestic violence prevention and protection. Our statutory protection scheme, particularly as strengthened by the proposed amendments, is the broadest and most ambitious in the country. Our protective services network is constantly expanding, and the New Jersey Coalition for Battered Women, the Division On Women and the Advisory Council on Domestic Violence provide a strong advocacy and monitoring component on behalf of victims and their families. The courts and law enforcement have designed and offered basic and advanced training programs in the area of domestic violence, as have other service providers.
Despite these improvements, however, 49 individuals were killed in New Jersey in 1989 at the hands of their abusers. These growing numbers reflect the fact that, notwithstanding, New Jersey's protective process is not equal to the sum of its parts: abused women and children in desperate need of support are constantly turned away from our system, and ultimately, falling between its cracks. More specifically, our preventive efforts have also been less than effective: during the 1989 count, almost 33,000 domestic violence complaints were entered by victims (85% female) who sought court intervention and protection based on violence that had already occurred.

Prior administrations have indicated their commitment to improving the plight of domestic violence victims by establishing the Advisory Council on Domestic Violence and the Domestic Violence Prevention Program, and by supporting the amendments to the Prevention of Domestic Violence Act. We strongly urge the new administration to assume a leadership role in strengthening our laws, expanding the network of protective services, and making the battle against domestic violence a foremost public issue. The Council respectfully submits the following recommendations in this regard:

- We ask that the Governor establish a clear policy condemning all forms of violence, and that each affected Cabinet member submit a plan for prioritizing development and delivery of protective services to victims and families experiencing violence in the home. This initiative could be timed to coincide with the kickoff of Domestic Violence Awareness Month (October), and a public awareness campaign could occur simultaneously.

- To maximize the coordination of state-level efforts regarding the issue of domestic violence, it is essential that the Council receive staff support through an all-for-a-cause Director and clerical position, to be housed within the Governor's Office of Policy and Planning. At the present time, the burgeoning support functions critical to the Council's pursuit of its mission are performed by its members-designees, all of whom have full time jobs which require their constant attention. We strongly urge the Governor's Office to assume leadership in this area and provide for staff support. The proposed amendments should be accompa
a $150,000 appropriation to cover staff and administrative costs.

- Further, all statewide appropriations for domestic violence should secure a line item position in the budget to help facilitate priority status for domestic violence program spending.

- The Council recognizes the critical need for the continued development and expansion of local domestic violence preventive and protective services and strongly recommends that an additional legislative appropriation be made to the Division of Youth and Family Services to support this effort.

- The Council also recognizes the critical importance of the Division On Women's Domestic Violence Prevention Program and the value of their training efforts. We strongly urge that funding for these efforts be maintained and that expansion of their training budget be afforded priority status.

- Furthermore, the Council urges an increase in funding to agencies that provide legal representation and assistance to victims of domestic violence. At the present time, far too many victims are unable to either find or afford counsel to represent them, and often find themselves in situations where their abusers have been able to retain an attorney for the final hearing. A pool of additional, affordable attorneys must be developed to rectify this inequity.

- Finally, the Advisory Council recommends that its membership be expanded to include a representative from the Commission On Sex Discrimination in the Statutes.

**CONCLUSION**

In the coming years, the Council will continue developing strategies to protect victims, support families and prevent the occurrence of domestic violence in the State of New Jersey. We look forward to establishing a strong partnership with the Governor as we continue to lead the struggle against violence in the home.