
S.H.G.A.

Seton Hill Government Association

October 26, 1994

Representative Tom Tangretti
327 South Main
Greensburg, PA 15601

Dear Representative Tangretti:

Thank you for your participation in our first panel discussion on "The Law and Domestic Violence." I have enclosed the article that was printed in *The Standard Observer* on October 26, 1994, and have also sent along a flier describing our next event for your information.

The faculty, staff, administration and students sincerely appreciate your efforts to bring about awareness and prevention in the area of Domestic Violence. I look forward to working with you again in the future, and urge you to call on me if I can ever be of assistance.

Thank you.



Nicole DeJeet
SHGA President



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an ans. mach. msg.

sent cc to
Cathy 10/6/94



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this issue

Seton Hill College Box 208B
Greensburg, PA 15601-1599
September 30, 1994

Keep detailing
in minutes.

Congressman Tom Tangretti
327 South Main
Greensburg, PA 15601

Dear Congressman Tangretti:

In 1987, 39% of all women murdered in Pennsylvania were victims of domestic violence. In Westmoreland County alone, 2,987 new victims of domestic violence were reported in 1993. Women's Services of Westmoreland County (WSWC), a non-profit agency, responded with 10,301 hours of counseling and sheltered 273 women and children in 1993.

One of my goals as Seton Hill Government Association (SHGA) President is to help institute and encourage the service-learning experience at Seton Hill. As a result of a long-standing relationship between Seton Hill and the WSWC, we will be joining forces in a unique service project on USA Today's nationally recognized "Make a Difference Day," on October 22, 1994. Seton Hill will be "Making a Difference in the Lives of Families " by assisting in outreach to local vendors, making audio-cassette bedtime stories for the children staying at the shelter, and sending volunteers to both Westmoreland and Pittsburgh Habitat for Humanity.

This service project will be the first of a series of week-long events in recognition of October as Domestic Violence Awareness Month. On Sunday, October 23, SHGA is sponsoring a panel to discuss "The Law and Domestic Violence." We have invited various area judges, legislators, educators, religious leaders and dedicated activists to participate. Our organization feels that you would bring a unique perspective to our discussion.

All panelists are invited to join students and faculty for dinner at 5:30 PM. The panel will convene in our auditorium at 7:00 PM. This is a valuable opportunity for us, as students, to interact with leaders in our community. It is also a valuable opportunity for you, today's leaders, to share in the education of those who will take your place someday.

I am hoping for great success. We are promoting these activities on all of the local college campuses and alerting regional media. Your participation would be a crucial boost to our effort. I can be reached at (412)830-1419.

Sincerely,

Nicole DeJeet
President, SHGA



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMO

October 20, 1994

TO Representative Tangretti
Room 26B East Wing

FROM Carrie Mertz, Research Analyst
Legislative Research Office *CM*

RE The law and domestic violence

The National Council of Juvenile and Family Court Judges has compiled a list in their latest study which focuses on the legislation that is necessary in order to further combat family violence. In the United States, there are 1.5 countable cases of child abuse every year and 1.8 million women beaten in their homes every year. Research has determined that a co-incidence of 810,000 families with both spouse abuse and child abuse exists. In addition, research has shown that those children who witness violent behavior will inevitably learn that violence is behavior they should emulate and therefore become perpetrators and/or victims of family violence as adults. The National Council of Juvenile and Family Court Judges has determined that criminal justice policies must be changed, along with entire court system, so that the response to domestic violence is much more serious. This starts with legislative change. The recommendations made by the National Council of Juvenile and Family Court Judges include 23 points which focus on improving or developing family violence legislation. They are as follows:

- Creation of a unified family court with criminal jurisdiction over adults for crimes committed against family and household members;
- Access to the judicial system for economically disadvantaged victims including legal representation in civil cases when needed;

- Mandatory incident based reporting of family violence cases, including medical emergency rooms;
- Requirements that agencies coordinate efforts on behalf of families, and exchange case information where appropriate;
- Requirements for training in family violence for all those involved in these cases;
- Eligibility for victim compensation for victims of family violence;
- Priority eligibility for subsidized public housing for victims of family violence;
- Availability of emergency protection orders on a 24 hour basis;
- Availability of protection orders of sufficient duration, up to three years, for child victims as well as adults;
- Inappropriateness of mutual protection orders;
- Requirement for written specification of reasons for denying a protection order, not ordering a perpetrator into treatment and allowing unsupervised visitation or custody to perpetrator;
- Making violations of protection orders a criminal offense and provision of mechanisms for monitoring compliance;
- Recognition of spouse abuse as a form of child abuse where children are present in the home;
- Requirement that family violence is a factor to be considered in custody and visitation awards;
- Warrantless arrests on probable cause for misdemeanor family violence;
- Requiring notification to the victim prior to release of defendant to ensure safety and protection of victim;
- Conditions of bail which recognize the seriousness of the offense, and provide for protection of the victim and other family members;
- Presumption to remove the perpetrator from the home, pending resolution of civil or criminal cases;
- Elimination of the marital rape exemption;
- Elimination of marital privilege in cases where spouse is the victim;
- Provision of enhanced penalties for repeat offenders in family violence cases;
- Removal of requirements which impede prosecution of family violence when victim is unable, unavailable or unwilling to testify;
- Inappropriateness of civil compromises in family violence cases;

The State Legislature has recently responded to a number of the needs put forth by the National Council of Juvenile and Family Court Judges under Act 85, which was signed by Governor Casey on October 6, 1994. Some important parts of this bill are as follows:

1. The bill adds stalking to the definition of abuse, therefore giving the victim ability to obtain civil protection to prevent the escalation of the conduct. Any conduct which places another in reasonable fear of bodily injury falls within this definition.
2. Many agencies provide assistance to victims of domestic violence and assault victims. Therefore, the definition of confidential communication was amended to conform with the sexual assault communications privilege as put forth in Title 42.
3. This law provides a definition of what the court often refers to as a "secure visitation facility" which provides that the facility have a professional staff member on hand, which will safeguard children and parents from abuse and abduction. Under some circumstances, the courts may deny the defendant custodial access to a child.
4. A protection from abuse order may be registered without a fee in the county where the plaintiff believes enforcement may be necessary. A court will recognize and enforce an order in a comparable court issued by another state. If the plaintiff prevails and a protection order is granted, the court may either assign fees and costs to the defendant, or waive them entirely.
5. This law requires that all law enforcement agencies adopt a written domestic violence policy, and that all State Police, county sheriffs, municipal police, officers and deputies become familiar with the domestic violence provisions. ✓
6. Law enforcement agencies are required, under this law, to provide oral and written notice to all abused persons of the domestic violence services and shelters in the community. ~~In addition~~, the courts must refer a plaintiff to a local domestic violence program, legal services program and the county bar association's lawyer referral program. ✓

7. The State Police must develop the following: a form for reporting domestic violence incidents consistent with the National Incident-Based Reporting System; a statewide registry of protection orders; and an annual report analyzing incident report data which shall be submitted to the Governor, General Assembly and domestic violence programs.

8. Law enforcement agencies must make attempts to contact any person protected by an order of the arrest of a defendant for a violation of an order. The victim must also be notified upon release of the defendant from prison under this law.

9. Under this law, a temporary restraining order will remain in effect until modified or terminated by the court after notice and hearing.

10. The court may order the defendant to pay for health coverage for the spouse and minor children, and to make mortgage payments on the plaintiff's residence.

11. The court may authorize that the defendant have no contact with minor children, as well as the plaintiff.

12. Act 85 states that mutual orders of protection should not be awarded except under certain circumstances.

13. For certain violations of a protective order, an offender may be arrested without a warrant upon probable cause.

14. A section is added authorizing the Commonwealth to enforce protective orders issued by courts in other states.

I have enclosed an article discussing unfair insurance practices against victims of abuse and domestic violence. There is legislation in the works which will deal directly with this matter in the upcoming session.

Finally, child protection is a major focus of the Pennsylvania Coalition Against Domestic Violence. According to the Family Violence: Model State Code put out by the National Council of Juvenile and Family Court

Judges, it is important that states address the issue of custody, as in Act 85. It is in the best interest of a child to reside with the nonviolent parent, within or outside the state. This has been followed in case law throughout the state and the country time and time again, and should be the determining factor in custody battles when abusive situations are present.

Safe visitation, also addressed in Act 85, is another focus of the Family Violence: Model State Code. Under this model code, a court should only be able to grant visitation to an abusive parent (whether the abuse involves the spouse or child) if there is proper supervision. The development of visitation centers through a state agency is another suggestion that is put forth in the model code. Finally, the model code requires child protective services to assist the non-perpetrating parent in seeking exclusion of the abusive parent from the home.

I have attached some additional information developed by the Pennsylvania Coalition Against Domestic Violence. I have highlighted points that I felt were the most important. Should you require additional information or assistance, please contact me at 3-1583. For your information, this information was given to me by Judy Yupcavage from the Pennsylvania Coalition Against Domestic Violence.

Attachment.

CEM/cem