

**Governor’s Council on Domestic Abuse
October 16, 2019**

- Present:** Kevin Hamberger, staff member on behalf of Sen. Andre Jacque, Nela Kalpic, Susan Perry, Renee Schulz, Susan Sippel, Alena Taylor, Kathy Flores
- Excused:** Senator Tim Carpenter, Representative Lisa Subeck, Pat Ninmann
- Guests:** Nick Ross (Diverse & Resilient), Jenna Gormal (End Abuse WI), Amber Peterson, Nancy Hamberger
- Staff:** Kaitlin Tolliver

Call to Order and Approval of Minutes

Co-Chair Renee Schulz called the meeting to order, with a quorum present at 9:02 a.m. The minutes of the July 2019 meeting were reviewed and approved as submitted at 9:05 a.m.

Review of the National Domestic Violence Hotline 2018 Data

Kaitlin Tolliver from the Department of Children and Families (DCF) discussed reports from the National Domestic Violence Hotline and loveisrespect.org that were released in July 2019. Along with a description of their nationwide services and contacts, both reports also identified the usage of both services from Wisconsin residents during the same timeframe. Reports attached. The DCF 2018 Domestic Abuse Annual Report was also reviewed.

Committee Reports

Access Committee:

The Committee welcomed a speaker, Alnisa Allgood, from Collaboration for Good. Alnisa spoke about her local work to diversify Board of Directors and increase training for individuals interested in being on a Board.

The Committee also identified the 6 questions it will be sending out, via Survey Monkey, to the statewide directors to gather information about their own Boards. The questions identified are:

1. How do you do outreach and recruitment of new Board members?
2. What kinds of diverse characteristics are sought for your Board members?
3. How do you check references, interview, and/or make sure individuals are a good fit for your Board?
4. Does the Board receive initial and ongoing training and education? Does this training include items regarding diversity and privilege?
5. What do Board members perceive their role in the organization to be?
6. How is each Board member’s voice, skills, and knowledge utilized within the Boards’ work?

The Committee intends on reviewing the information gathered at an ad hoc meeting yet to be scheduled.

Kathy Flores offered for Diverse and Resilient, along with Planned Parenthood, to be a resource. Those agencies recently came up with a Board survey questionnaire which may be of assistance to the Committee.

Budget Committee:

The Committee spent a significant portion of the meeting editing the “Why a Fair Minimum” document which is a supporting piece to the original “Fair Minimum” document explaining why to do a fair minimum. Once edited, this document will be disbursed.

The Committee also discussed potential next steps for its work regarding statewide worker's compensation rates for domestic abuse/shelter staff. The Committee had previously planned to host a webinar but received minimal support for creating that webinar. Additionally, Committee member, Barb Fisher, had her own agencies worker's compensation rates reviewed and the information the Committee learned did not help her agency in securing lower worker's compensation rates. The original goal of the Committee was to change the system, but at this time, that appears unlikely. Sue Sipple is going to ask on the director's listserv if directors would like to discuss what the Committee has learned and if a large enough group is interested, a conference call will occur.

The Committee is involved in the Long Range Plan process. The plan this time will be representative of domestic abuse and sexual assault service in Wisconsin. The first meeting has occurred, and the subgroups are now working on identifying their methodologies and plans for meeting.

Legislative and Policy Committee:

The Committee reviewed their ad hoc committees first draft of a pamphlet for victims regarding the revocation process. Edits will be made based on the recommendations of the Committee.

A lengthy discussion was held about next steps for what the Committee had historically called "listening sessions". The Committee was unable to clearly identify what those sessions would look like, who would be involved, or the purpose of those sessions. A follow up call is being scheduled so that the Committee can continue to identify the next steps for their process on the revocation project.

Governor's Council on Offender Reentry

Renee Schulz and Sue Sipple were invited to present at the Governor's Council on Offender Reentry as representatives from the Governor's Council on Domestic Abuse. Additionally, WCASA, End Abuse, Sojourner Family Peace Center, and DCF presented on the work that is being done to support victim services.

Legislative Update

Jenna Gormal from End Abuse provided a legislative update. Update is attached. Council members requested further information from Ms. Gormal on legislation that may have been introduced regarding the ability to shelter 17-year old's and domestic abuse shelters being eligible for a specific type of housing funding.

Election of Co-Chairs

Co-Chair, Kevin Hamberger, is retiring from his appointment to the Governor's Council on Domestic Abuse after 25 years. This meeting will be his final meeting on the Council. Additionally, current Council policy allows for a 2-year term for co-chair; the policy was created by the Council and is not in statute. Renee Schulz is at the limit for her co-chair position.

Sue Sipple motioned for Renee Schulz's position to be extended one year. This would account for the time Renee was absent from her position due to a medical emergency and maintain the alternating schedule of co-chair appointments. Sue Sipple moved, Sue Perry seconded. The motion passed unanimously.

Nela Kalpic nominated Sue Perry to take the open co-chair position. Nela Kalpic moved, Alena Taylor seconded to have Sue Perry be in the seat for Governor's Council co-chair for the next two years. The motion passed unanimously.

Topics and dates for 2020

Scheduling dates was discussed as a Council. Final dates planned to meet as a Council are February 12, April 15, July 15, and October 14, 2020.

The entire Council participate in conversation to discuss potential topics for 2019. Options include:

- An update from WBPTA
- Batterers treatment for women offenders
- Governor's Council for Offender Reentry and their attempt to treat victims in prison or provide rehabilitation to offenders
- Successes and challenges to the Housing First Model
- Technology and its impact on digital abuse and hookup violence (including risks and support for victims)
- Immigrant Communities and how current legislation is impacting survivors of domestic abuse
- Hook Up Violence and how cases are being reported
- Technology options for custody cases
- Antiviolence training and education for CPS workers, health care employees, or anyone who interacts with people who are survivors (CAST at Gunderson Lutheran of LaCrosse).

Public Comments

None

Adjournment

The meeting adjourned at 11:13 am to prepare for the 2019 Awards for Outstanding Achievement in Domestic Abuse Issues Ceremony.



Current Policy Items

Pro-Active Proposals/Stand Alone Bills We Support:

TDV Bills: AB 378 + SB 420

What: This is legislation that End Abuse has worked on for the previous few sessions and is once again championing this session. The bill has 3 major components; age appropriate dating violence curricula taught at least once in middle school and once in high school, a requirement that every school have an official protocol for its response to dating violence and a requirement that school staff receive regular training on their district's protocol.

Who: This session's version is identical to the version that we ended with last session. The lead authors are Rep. Melissa Sargent and Rep. John Spiros in the Assembly, and Sen. Jerry Petrowski and Sen. Shilling in the Senate.

Where: The bills have each been referred to the Senate and Assembly committees on education. End Abuse is officially registered in support of the bills and we will be continuing to support it as the session progresses.

AB 259/SB 235 – Stalking

What: This bill was introduced with strong bipartisan support and amends the definition of stalking to explicitly include attempts to contact the victim via text messaging and other electronic means of communication, including sending and posting online content.

Where: Abby Swetz, Policy and Systems Analyst at End Abuse, testified to amend the definition of stalking to explicitly include electronic communication and internet comments. The amendment was adopted, and executive action taken to recommend the passage by the committee on Criminal Justice and Public Safety. The senate version, referred to the committee on Criminal Justice and Public Safety, has not yet received a public hearing.

AB52/SB 61 – Relating to a minor contracting for admission to a shelter facility or transitional living program

What: a minor is presumed to be competent to contract for admission to a shelter facility or transitional living program if the minor is 17 years of age.

Where: Available for scheduling in the Senate (passed unanimously in committee) and Assembly version

AB 41/SB 49 – Relating to: prosecuting a person under the age of 18 with committing an act of prostitution.

What: Under this bill, a person who is under the age of 18 may not be prosecuted for committing an act of prostitution

Where: Awaiting floor vote in each house

Several pieces of legislation circulating relating to firearms:

Last month End Abuse released the Domestic violence Homicide Report for 2018 which revealed once again that there is an ongoing relationship with firearms and domestic violence. Since 2005, firearms have accounted for more domestic violence homicides than all other methods of killing combined. In fact, the presence of a gun in domestic violence situations increases the risk of homicide for women by 500% and domestic violence assaults involving a gun are 12 times more likely to end in death than those involving

other weapons or bodily force. With that information in mind, there are several pieces of legislation relating to firearms, circulating now:

AS 336/SB 312 – Waiting period for purchase of handguns.

What: This bill reinstates the 48-hour waiting period for gun sales. The waiting period was removed in a bill passed in the 2015 legislative session. This waiting period is viewed as a cooling off period that would delay a perpetrator of violence access to a deadly weapon.

Where: The Senate bill has been referred to the Committee on Judiciary and Public Safety and the Assembly version is referred to the Committee on Criminal Justice and Public Safety.

AB/577 – The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence or by a fugitive from justice and providing a penalty.

What: Under this bill, if an individual is convicted of a misdemeanor crime of domestic violence, they would be prohibited from possessing a firearm under state law. By aligning state law with federal law, Wisconsin will give its prosecutors the tools they need to prevent dangerous individuals from obtaining firearms they should not be in possession of. The bill would also prevent an individual labeled as a fugitive from justice from possessing a firearm.

Where: Introduced by Senators Kooyenga and Feyen.

AB 334/SB 376 – The possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty.

What: Federal law prohibits a person convicted of a misdemeanor DV offense from possessing a firearm. However, this law is hard to enforce without the equivalent statutes in place at the state level. This bill would bring Wisconsin law in line with federal law.

Where: AB referred to Committee on Criminal Justice and Public Safety, SB Committee on Judiciary and Public Safety.

LRB-4383 - Extreme risk protection temporary restraining orders and injunctions and providing a penalty.

What: Introduced by Representative Sargent and Senator Lena Taylor. This bill establishes a process by which a person who is at high risk of harming themselves or others can have their firearms temporarily removed by a court when a protective order is filed by someone close to them. This policy is especially important for suicide prevention efforts.

Where: Circulating for cosponsorship.

AB 527 - to create 20.435 (5) (eh) and 51.73 of the statutes; relating to: grants related to preventing suicide by firearm and making an appropriation.

What: This bill requires the Department of Health Services to award grants to organizations or coalitions of organizations, including cities, villages, towns, and counties, for 1) sharing guidelines and training staff at a firearm retailer or firearm range on avoiding selling or renting a firearm to persons who may be considering suicide; 2) providing suicide prevention materials for distribution at a firearm retailer or firearm range; or 3) providing voluntary firearm storage. A grant recipient must contribute matching funds or in-kind services having a value equal to at least 20 percent of the grant amount.

Where:

Bills We Oppose:

AB 138/SB 151 Anti-Immigrant Bill

What: This legislation would prohibit a city, village, town, or county from enacting an ordinance, resolution, or policy that prohibits the enforcement of laws relating to undocumented immigrants or ascertaining an individual's immigration status. Essentially, this legislation is an attempt to entangle local law enforcement agencies with the activity of ICE and other immigration enforcement agencies. As undocumented survivors face dramatically heightened barriers to safety, it is imperative they feel safe reporting abuse to law enforcement when necessary.

Where: Introduced and referred to committee early in the session, but no further action has been taken. SB referred to Committee on Labor and Regulatory Reform and AB referred to Committee on Federalism and Interstate Relations. Currently, there is no indication that these bills are likely to move forward this session. End Abuse is officially registered against the bill.

AB 103/SB 350: An Act Relating to: eliminating administrative rule limitation on recovery of birth costs

What: These bills were introduced by the Joint Legislative Council. End Abuse oppose this legislation because the recovery of birth cost in cases with already involved fathers is unproductive and does little to help the new parents be successful. Additionally, it is potentially dangerous in cases with domestic violence or other unhealthy family dynamics as it has the tendency to enflame already existing tensions in the relationship. Often, when abusive fathers are forced to pay the cost of birth, they blame the victim for financial instability that follows garnished wages or tax returns, making them even less likely to support the victim and child moving forward. Rather than encouraging child support offices to collect birth costs from fathers who are already supporting their children in order to keep a percentage of the recovered funds, we encourage the legislature to adequately fund child support offices directly so that there is no need for this practice for fathers who are already supporting their children.

Where: AB referred to committee on Family Law, and a public hearing held. SB also received a public hearing, executive session and passage recommended and is now available for scheduling.

Assembly Bill 97 – relating to the involvement and cooperation of both parents in a physical placement schedule.

What: This legislation has the potential to further entangle non-abusive parents with their abusers, ignoring important factors related to domestic abuse. The bill implies that if a parent has “any allocation of physical placement,” then the maximum involvement and cooperation of both parents is in the best interest of the child. This goes against the currently existing best interest factors (that determine what is in the child's best interest) and will coerce victims into increased contact and communication with abusers. It also has the potential to create confusion as it can be interpreted as providing an alternative definition of the best interest of the child, separate from the current definition which is determined by the factors. Obviously, we want parents to be encouraged to get along and cooperate, but simply because an abuser has any allocation of placement (which happens frequently), maximum involvement and cooperation of both parents is often not appropriate nor in the best interest of the child. Abusers are highly adept at using the court system and their children as tools of control and manipulation. Providing them with a statutory reason to argue that their victim must communicate and collaborate with them more is simply not in the best interest of children. Courts need increased flexibility to determine what is safe for children and non-abusive parents, not broad statements about how parents should behave that ignore the realities of cases with domestic abuse as a factor.

Where: Referred to the Committee on Family Law. Executive action taken – passage recommended. There is currently no companion bill in the senate.

Assembly Bill 98: factors relating to the physical placement of a child.

What: The bill specifies that if a court grants less than 25% of physical placement to one parent in a temporary or final order, specific findings of fact must be entered as to the reason greater physical placement with that parent is not in the best interest of the child. The bill also reorganizes the statutory best-interest factors.

End Abuse opposes this legislation because while the intent may be good, it is based on two fundamentally misguided ideas. The first is that judges are not awarding physical placement to able bodied, non-abusive parents enough and need to be directed to account for the cases in which they limit placement to one of the parents. In fact, various experts state that courts award equalized placement regularly and increasingly as time goes on (often in cases in which it is clearly not appropriate given the history of domestic violence). Limiting the courts discretion to make placement decisions will only discourage Judges and Commissioners from making decisions based solely on the best interest factors, rather than some notion of what amount of placement parents deserve. The second misguided idea is that rearranging the order of the factors is a meaningful change that will result in better outcomes for families. At this time, we see no evidence that this change will result in anything but increased confusion, especially for pro se litigants. This is particularly true given that the language states that the order of the factors has no bearing on their importance. The court system is already extremely confusing for pro se litigants, and we want judges and commissioners to utilize all the factors appropriate in any given case.

Where: Executive action taken – passage recommended. There is currently no companion bill in the senate.