

DOMESTIC VIOLENCE

HEARINGS
BEFORE THE
SUBCOMMITTEE ON SELECT EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS

SECOND SESSION

ON

H.R. 7927 and H.R. 8948

TO AUTHORIZE THE SECRETARY OF HEALTH, EDUCATION,
AND WELFARE TO ESTABLISH A GRANT PROGRAM TO DE-
VELOP METHODS OF PREVENTION AND TREATMENT RELAT-
ING TO DOMESTIC VIOLENCE, AND FOR OTHER PURPOSES

HEARINGS HELD IN WASHINGTON, D.C.,
ON MARCH 16 AND 17, 1978

use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*



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MONROE COUNTY, INDIANA, TASK FORCE ON FEDERAL FAMILY VIOLENCE LEGISLATION

Ana Kellia Ramares, Chairperson

Members

Jane Cullen, attorney, on behalf of the Bloomington Coalition
Pamela Kroll, Co-ordinator, Perry Township Emergency Housing Program
Jessie Lovano-Kerr, Dean of Women's Affairs, Indiana University, Bloomington
Linda Payton, on behalf of the Bloomington Organization for Abused Women
Julia Wilder, Chairperson, Bloomington Commission on the Status of Women
The Hon. Marilyn F. Schultz, a State Representative from Bloomington
Charlotte Zietlow, businesswoman; member, Bloomington City Council, 1972-75;
Council President, 1972-73.

Associate Contributors

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TESTIMONY FOR HEARINGS BEFORE THE
SELECT EDUCATION SUBCOMMITTEE OF THE
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES HOUSE OF REPRESENTATIVES

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HOW THE TASK FORCE BEGAN

In the fall of 1977, an article appeared in the Louisville (Ky.) Courier-Journal about the Mikulski and Roggs-Stears bills on Family Violence. The article drew the attention of the Legislative Action Committee of the Women's Caucus at Indiana University School of Law - Bloomington. The IAC decided to monitor the progress of the bills.

In early February, 1978, Ana Kellia Ramares, co-ordinator of IAC, received a newsletter from the Center for Women Policy Studies, Washington, D.C. announcing that the bills were due to be scheduled for hearings in the House of Representatives, and that citizen input in the development of the legislation was requested.

As a project of the Legislative Action Committee, Ms. Ramares founded a study group whose members were given copies of the proposals, and related materials. They were asked to read the bills and offer their recommendations as to what the Federal government should do in this area. When the membership grew and it became apparent that a formal report could be sent to Washington, the group was re-named the Monroe County, Indiana Task Force on Federal Family Violence Legislation, with Ms. Ramares serving as the chairperson.

Response to the formation of the Task Force has been unanimously favorable in Monroe County. Mayor Frank McGloskey of Bloomington applauded the effort and offered the names of several people who made substantial contributions to this report. As the information was being gathered, so also was feedback indicating interest in the continuation of the Task Force beyond the legislative hearings.

The "formal" membership represented legislative, organizational and academic perspectives. Members enthusiastically passed the materials around to their staffs or organizations. Others, who were not contacted initially, were interviewed prior to the drafting of this report. The scope of the report has been broadened in order to give a birdseye view of the type of problem Monroe County faces and how the situation is dealt with by different sectors of the community.

The Task Force welcomes the Federal Government's interest in the crisis that is family violence. Such violence is finally gaining recognition as a nationwide problem which knows no racial, cultural, geographic or economic boundaries. We wish to emphasize that the situation is best dealt with on a grassroots level, but that the Federal Government bears a responsibility to help furnish the resources necessary for communities to effectively combat the problem. Some of Monroe County's finest efforts have collapsed, not due to a lack of interest or need, but due to a lack of funds. No victim of family violence must be denied desperately needed aid because an interested and sympathetic community lacks the resources to extend a helping hand.

ON CAMPUS

The Office of Women's Affairs at Indiana University - Bloomington has received several calls from abused wives and girlfriends on campus. The extent to which spouse abuse is prevalent on campus is unknown, but both the Office of Women's Affairs and the Indiana University Police Department suspect that there is a substantial amount. Most couples on campus are young, and many have small children. Financial and academic pressures are added stress factors which can lead to violence.

At first, the Dean of Women's Affairs, Jessie Lovano-Kerr, was surprised to hear of the problem. One often gets lulled into a sense that the nastiness of "The Real World" stops at the campus gates. She is interested in investigating the extent of the campus problem in order to determine the need for a campus shelter and/or hot line. There are currently no services on campus to deal with the problem. A student seeking help is told about the Parry Township Emergency Housing Program and the Women's Crisis and Rape Service.

The question is how to get reluctant victims to express their need. Ideas include a questionnaire circulated through married housing by the campus Psychiatric Services, or perhaps a general information story in the Indiana Daily Student which hopefully would prompt victims to come forward and ask for help.

A campus shelter would probably not be open to community residents. One reason is that the University would not want to open itself to possible legal problems surrounding a community shelter on campus. Also, it is possible that the community would not make use of such a University facility. The Women's Crisis and Rape service is not trusted by some community women because of the mistaken notion that it is an arm of the University. Bloomington, like many

And then, there were always the women who returned to their husbands because they felt they could do nothing else....

LCCGAP

The Monroe County Community Action Program, hereafter referred to as CAP, has no set procedures for handling abuse cases; each case is handled individually. However, the goal of CAP is the same as that of the hospital, i.e. a determination of the wishes of the woman and efforts to hook her up to the services she wants.

Fyllis Trimble, Director of Planning, notes that Bloomington is not equipped on a large scale to handle battered women. Therefore CAP supports the grant proposal submitted to the Indiana Office of Manpower Development by the Bloomington Commission on the Status of Women, which requests funds to allow the Bloomington Organization for Abused Women (BOAW) to set up a model Women's Center. One function of the Center would be to serve as a shelter for abused women and their children. (See subsequent section on shelters). The Center would also serve rape victims.

It is unknown at this time whether the funds will be allocated. Susan Whitwood, intake specialist at the Legal Services Bureau, (the legal arm of CAP), has said that the key to winning the grant lies in providing a viable plan to protect such a shelter from interference and disruption by violent men looking for their victims. In some larger cities, shelter locations are well-guarded secrets. However, Bloomington is too small for a shelter to remain secret for very long.

CAP also researches the woman's legal rights and makes referrals to mental

assistance in defining the options which are open to her. So far no woman has taken advantage of the follow-up appointments.

If a woman chooses not to return home, the social services department determines which programs suit her wishes and hooks her up with the appropriate community agencies. Some transportation is provided. Most women have friends or relatives who can house them at least temporarily. If this is not the case, the woman is put in contact with the Emergency Housing Program run by the Perry Township Trustees' Office. Perry Township tries very hard to handle the emergency housing needs of abuse victims; that program is the only thing currently approximating a shelter in Monroe County. However, Perry Township handles all types of emergency housing cases, e.g. fire and flood. Therefore, if the abuse victim can not be placed by Perry Township, the social services department has a limited budget which they are authorized to use to temporarily house victims at Motel Six. So far, that has not been necessary. In fact, no victims have requested help from the department in over a month.

There are women who just do not want to discuss their problem. They come to the emergency room solely for the purpose of being patched up, after which they go back home. There are many reasons why a woman who is injured badly enough to require emergency room treatment returns to her husband. The following list does not pretend to be a complete list of possibilities.

- Some had seen their mothers abused and accepted abuse as a way of life.
- Some felt guilty about leaving their husbands. Some felt they had a responsibility to try to save them, especially where alcohol was involved.
- In cases where child abuse was also involved, the women would oppose the mistreatment of the children as best as they could personally, but would not report the problem in order to protect their husbands from possible arrest.

health and drug abuse agencies when alcohol or drugs is also a problem. Other than that, GAP does nothing itself for abuse victims. It does not have enough funds to run its own program and such a program is not in the project goals for 1978. GAP is also anxious not to duplicate the efforts of other service groups. Although GAP had no estimates as to the number of abuse victims it sees a year, the number is relatively few compared to the Prosecutor's Office (50-100 per year) and the Perry Township Emergency Housing Program (62 women and 2 men in 1977). But GAP, like the Prosecutor's Office and Perry Township, noticed an increase in case reports following the blizzard of January, 1978.

GAP sees the need for a well-integrated community based program for abuse victims which would include follow-up programs which would support the victim beyond the initial crisis which prompted her to seek help. Currently, there is precious little in the way of low-range support systems, especially for the women who choose to leave the violent situation and start a new independent life.

The Legal Services Bureau (LSB) is jointly operated by the Monroe County Bar Association and MCCAP to:

- 1) Assure on-going legal representation of the low-income community that is not dependent on outside funding, thereby institutionalizing legal aid to the poor in Monroe County.
- 2) Provide comprehensive legal services and legal education for up to 500 low income families in Monroe County by utilizing the donated services of local attorneys and administrative resources of MCCAP.
- 3) Assure a thorough screening and referral procedure to determine financial eligibility and that legal services are reasonably likely to be required thereby eliminating unnecessary work by volunteer attorneys.
- 4) Collect data on legal needs of the low income community by utilizing the services of the Monroe County Bar Association, Indiana University and administrative resources of MCCAP.

University communities, suffers from a "town-gown" split.

Students facing this problem need to become aware that they are not alone. It is also hoped that women who are seeking higher education will be able to achieve a level of economic independence that will enable them to leave violent situations if they so desire. Women, both on and off campus, need to be taught to realize that even if they choose to become homemakers they must have a level of education and skills which will give them something to fall back on should the marriage fail. Although, given the existence of discrimination against women in employment, this would not be a panacea, it would be a fundamental step in the right direction.

THE HOSPITAL

The Emergency Room of Bloomington Hospital is the place some abuse victims turn to after an attack. After the victim's immediate medical needs are attended to, the charge nurse informs the patient that a person from the social services department of the hospital is available to speak with her about the various options she has, e.g. emergency housing, personal or marriage counseling, etc. The hospital staff finds out what course the woman wants to take, then provides her with any information she might find useful in pursuing that course.

Recently, a procedure was instituted whereby the charge nurse makes a follow-up appointment with each woman for two days later at 11 am. A staff member is always on hand to meet that appointment. The procedure was set up for the women who refuse to see a social services department volunteer at the time they enter the Emergency Room for treatment. In this way, a woman who has had some time to think more calmly about her situation can have another opportunity seek

- 5) Provide follow-up and supportive services to minimize the effect of legal intervention. (The preceding statement of purpose was taken from the Legal Services Bureau By-Laws and Operational Plan, adopted November 22, 1976).

LSE handles civil cases such as divorce for Louroe County's poor, but the limits on the clients it can take presents a problem for some abused women. Many women too "rich" for the program come seeking legal services after an attack, only to have to submit to thorough screening and referrals to several lawyers if they are financially ineligible for LSE. This is a traumatic experience for a woman in crisis who is seeking help fast and who may already be confused or intimidated by the legal process. Also, questions about past income and whether or not she owns a home, which are used to determine eligibility, may be irrelevant to a woman forced out of her home. In other words, middle-class people, who, contrary to some preconceived notions, do not all have lawyers or know how to get one, or can afford a lawyer, particularly in times of crisis. What is needed is a sliding scale of legal services so that women who are not eligible under traditional income guidelines can get legal services quickly and painlessly on an ability to pay basis.

Finding a lawyer does not end the trauma for an abused woman. In fact, her problems may just be beginning. The following is obtained from a pamphlet called You and the Law, published by the Legal Services Organization of Indianapolis' community Legal Education Project:

A person suffering physical harm from a spouse can do one of the following things:

- 1) File a divorce and obtain a restraining order. If the husband does not obey the restraining order, the wife must petition the court to have the man held in contempt. An attorney can explain the procedure.

- 2) File criminal charges by going to the county prosecutor. The prosecutor may not want the woman to file charges, because many women change their minds later. The woman will have to show the prosecutor that she is serious about following through on the matter. (Emphasis added; see subsequent section in this report about the Prosecutor's Office).
- 3) File a peace bond in small claims or county court. The court will hold a hearing and can order the man to stay away and can order him to put up a money bond to guarantee that he will not break the peace. If the man disregards the order of the court, the wife must let the court know so that further charges may be brought.

None of these courses of action are capable of preventing violence at the time it happens. The police should be called, but remember that the police officer may not arrest the man unless he (she) has actually observed the violence. The police should be called to make sure no further violence occurs. (?)

This pamphlet is honest, but certainly can be of no comfort to a woman in crisis. It is difficult to expect a woman to follow through with court procedures which are lengthy, complicated, of no value in preventing violence at the time it happens and of no value in protecting the woman in the future if the man is intent on disregarding the law. This is especially true when the woman has no long term support services in other areas to help strengthen her for the legal hassles.

LEGAL SERVICES BUREAU OF MONROE COUNTY
COMMUNITY ACTION PROGRAM, INC.

ELIGIBILITY STANDARDS

I. INCOME ELIGIBILITY STANDARDS.

A. To be eligible for legal services through the Legal Services Bureau, a person must:

1. Reside in Monroe County at the time application is made;
2. Need legal assistance for civil matters with venue in Monroe County;
3. Have an annual net income which does not exceed the limits of 125% of poverty, as set by the Office of the Community Services Administration (see current guidelines- Attachment A); and
4. Not be voluntarily poor. (see Section 611 of the Economic Opportunity Act, OEO Instruction 6004-2- Attachment B).

B. Assets:

1. An applicant meeting the income eligibility criteria will not be eligible if he/she owns:
 - a. Real property in which the applicant has equity in excess of \$6,000.00 unless his/her net liabilities exceed that amount or if his/her home is mortgaged within 70% of its value.
 - b. Personal property, excluding necessities, which has a current fair market value, less current liabilities, exceeding \$1,800.00.
2. If ineligibility is caused by the provisions of 1a or 1b above and ineligibility would result in extreme hardship to the applicant, the LSB staff person may waive said provisions. In such a case, the LSB staff person shall report the waiver to the LSB Advisory Council at its next regular meeting.

C. Exceptions.

1. The costs of special needs of the family unit may be deducted from the income of the applicant. Such special needs may include, but are not limited to, child care for working mothers, unusual educational expenses

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(e.g. schooling for retarded, handicapped or disabled children) and Court ordered support payments actually paid by the applicant to relatives outside of the home.

2. The costs of an unusual hardship (e.g. prolonged illness of applicant, spouse or children) may be deducted from the applicant's income.

3. In cases falling within either number 1 or 2 above, the LSB staff person shall have the discretion to certify the applicant as eligible, and such certification shall be reported to the LSB Advisory Council at its next regular meeting.

D. Exclusions:

1. The applicant shall not be considered eligible for legal assistance with fee generating cases, including contingency cases, if the applicant through his/her own efforts or the Monroe County Bar Lawyer Referral Service can find an attorney to represent applicant. However, if after consultation with two attorneys the applicant is unable to obtain representation under a contingency agreement, the LSB staff person may waive said exclusion. In such a case, the LSB staff person shall report the waiver to the LSB Advisory Council at its next regular meeting.

2. In divorce and related family matters, the spouses income shall be taken into account unless either:

- a. The applicant has no knowledge of the whereabouts of his or her spouse; or
- b. The applicant has a spouse beyond the jurisdiction of the Courts; or
- c. If because of lack of access to the income of the spouse, to deny representation through LSB would result in a delay endangering the physical or financial well-being of the applicant and his/her dependents.

E. Calculation of Financial Eligibility:

1. "Income" means actual annual cash receipts before taxes of all persons who are resident members of and contribute to the support of a family unit. Income shall be taken to include, but not be limited to, the following:

- a. AFDC and child support payments.
- b. Alimony.

- c. Regular payments from public assistance.
 - d. Social Security benefits.
 - e. Workmen's compensation, disability and unemployment compensation.
 - f. Veterans benefits.
 - g. Public or private employee pensions and regular insurance or annuity payments.
 - h. Income from dividends, interest, rents, royalties or estates and trusts.
2. Actual annual cash receipts are computed by calculating an applicant's income for the six months prior to the date of application and the forthcoming six months.
 3. Pay stubs, statements from employers and others may be requested from the applicant to verify income eligibility and assets.

F. Ineligibility:

1. If the LSB staff person considers an applicant to be income ineligible he/she shall refer applicant to the Monroe County Bar Lawyer Referral Service.
2. If the nature of the applicant's legal problem is not within LSB's subject matter jurisdiction, the LSB staff person will attempt to refer applicant:
 - a. To the Legal Services Organization if the case is within their subject matter jurisdiction, and if applicant is likely to meet their eligibility criteria; or
 - b. To the Monroe County Public Defender if the applicant is a defendant in a criminal case; or
 - c. To the Monroe County Bar Lawyer Referral Service.

II. CERTIFICATION.

An applicant shall be certified as eligible for assistance with the legal matters for which application was made.

III. TERMINATION.

- A. A client shall be terminated when assistance with the legal matters for which application was made has been completed.
- B. If an LSB attorney finds it necessary to terminate services for a given client, the attorney will notify the client and

the LSB staff person. If assistance with the legal matters for which application was made has not been completed, the client will be referred to another LSB attorney.

IV. APPEALS.

An applicant who is found ineligible for legal services may appeal in writing to the LSB Advisory Council. The hearing shall be conducted in a closed session, and all appeals shall be kept confidential.

For such a Center to be successful, there must be steady grant funding to provide for paid staff to run it and supplies to provide for needs other than housing.

Currently, the YWCA in Fort Wayne , Indiana has a pilot project, a description of which is included in this report. In addition, efforts are being made to found a new Center in Bloomington. The idea has wide-spread community support. A Center is seen as the most urgently needed aspect of comprehensive program to combat domestic violence.

Most people involved in running the Center were poor, many of them students without jobs. No woman needing help was ever turned away because she was too poor to contribute to the support of the house, but such people were a financial drain on the Center, especially if they brought children.

With grant money, the Center would have paid someone to answer the phone during business hours and would have engaged a live-in intake person who would handle the emergency cases which arrived at night, in return for free rent. As it was, the permanent residents bore these responsibilities in addition to dealing with the other aspects of their lives. This caused a great emotional drain which burned out the permanent (mortgage-paying) residents and caused several turn-overs. The demands of the life sometimes led to difficulties in filling the resident places, putting an additional financial strain on those who were left. In 1976 the Center closed and the house was sold.

This does not mean that there is no need for such a Center. On the contrary, Nancy Brand, a Board member of the former Center feels the need is greater now because more women are reporting incidents of abuse; these women need a place to go. More importantly, they need support groups and services in addition to housing. Ferry Township provides only housing and it is through the extraordinary efforts of co-ordinator Pamela Kroll that women housed through this program get food and other necessities. Were the same woman made homeless by a fire, she could get housing from Ferry Township and other necessities from the Salvation Army or Red Cross. But these support agencies do not deal with battered women.

THE SHELTER EXPERIENCE: PAST PRESENT AND FUTURE

Between 1969 and 1976, there existed in Bloomington a Women's Center. The original house, (the Center existed at two addresses during its life), was bought by a female English professor who, having lost her job and gone through a divorce, needed a place to start over. She figured that other women needed the same thing so she sold the house to a group of 3-4 women who bought the mortgage with funds raised through donations. The women moved into the top floor and opened the lower floors to women's groups which needed a meeting place and women who needed an emergency space. It was a place to which battered women could escape.

About half the women who used the shelter brought their children; there was always a need demonstrated. The permanent residents had connections with professional people and members of service organizations. Although no formal services were offered by the Center itself, women seeking help were referred to the proper places.

Women came to stay for a variety of reasons. Some who had been living alone had been raped and felt safer living in a group. Others were forcibly thrown out by parents or husbands. Others wanted to separate from their husbands but couldn't get the men to leave the house. One woman maintained that her husband was trying to have her killed. Most arrived at night.

The effort proved too ambitious for a small group of people to maintain, for financial reasons. The Center tried to get grants but failed. Occasional fundraisers were held to meet back mortgage payments and a few people were able to make monthly pledges. But there was no steady stream of secure funding.

END