



# Coalition Chronicles

*A newsletter of the*  
**Wisconsin Coalition Against Domestic Violence**

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## **Civic Engagement The Role of Legislation**

*From  
The Director—*

### **In This Issue:**

- 1. A Call To Civic Engagement:  
The Personal is Political**  
—Tony Gibart
- 2. Recent Legislation**  
—Tony Gibart
- 3. Housing Laws Chart**  
—Morgan Young
- 4. Harassment Orders Become  
More Parallel to Domestic  
Abuse Orders**  
—Tess Meuer
- 5. Conversion from Domestic  
Abuse to Harrassment**  
—Tess Meuer
- 6. Timeframe Instituted  
For DeNovo Review of  
Decision by Court  
Commissioner in Any  
TRO or Injunction**  
—Tess Meuer
- 7. Walk a Mile in Her Shoes**
- 8. WCADV Annual Spring Social**

## **The Power of the People Equals Power to the People**

Individuals often feel powerless when it comes to making a positive impact on our legislative process. The process feels daunting, impersonal, and infused with tons of big money interest groups. Both those who work in the domestic violence field, and ordinary citizens working to end violence, represent the opposite of that image. We are definitely not “big money” and we all feel very personally about safety in our families and in our communities.

It was Margaret Mead who coined the often quoted phrase “A small group of thoughtful people could change the world. Indeed, it’s the only thing that ever has.” We must believe in her words. As individuals, we have one voice. As a coalition, our many voices together constitute real power. Domestic violence advocates and allies are the small group of thoughtful people who Mead referred to. Collectively we have the power to change the system and to change our world. This WCADV Coalition Chronicles focuses on the importance of civic engagement and provides important information about the recently-passed laws endorsed by and advocated for by WCADV staff and committed advocates and survivors. When I think about the potentially life-saving bills that were left on the table at the Capitol, unpassed due to the opposition work of interest groups like the National Rifle Association, it empowers me to come back even stronger next year. There is always another year and if we remain powerful, united and committed, justice will prevail. Victims of domestic violence and sexual assault are counting on us to create a system that provides the best possible protection for all. The power of the people will bring the power to the people. Right on.

**— Patti Seger**



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# A CALL TO CIVIC ENGAGEMENT: THE PERSONAL IS POLITICAL

By Tony Gibart

**On a snowy night last winter, I drove from WCADV in Madison to Milwaukee to attend a meeting of survivors at the Sojourner Family Peace Center. Jolynn Woehrer from the Peace Center helped form this group for survivors who wanted to find ways to advocate for policy, economic and political change. At the meeting, the women spent time talking about their own struggles and stories of survival. They also shared with me how these life experiences provided a source of inspiration for individual and collective political actions they had recently taken. Jolynn explained that one of the guiding philosophical principles of the group is: the personal is political.**



That phrase stuck with me. It is short, powerful and has the ring of truth. It also sounded like something I had heard before. So, I decided to look into the phrase's origin. A quick Google search revealed that it comes from an essay written by Carol Hanish, who was active in the women's liberation movement.

The essay "The Personal is Political" is a response to criticism of certain aspects of the women's liberation movement. Hanish belonged to a school of feminists that spent time exploring and discussing in groups how oppression affected the lives of women. Other feminists and radicals believed that this intensive reflection, or "consciousness-raising," was indulgent or simply a form of personal therapy, basically a distraction from direct political action. In the essay, Hanish squarely addresses this argument. She writes:

*So the reason I participate in these meetings is not to solve any personal problem. One of the first things we discover in these groups is that personal problems are political problems. There are no personal solutions at this time. There is only collective action for a collective solution.*

For Hanish, there are no personal solutions because she lives in a society where the fact that she is a woman means that her freedom and lot in life are deeply constrained.

She also rejects simplistic critiques of other "non-feminist" lifestyles. Hanish discusses a feminist protest of the Miss America contest. To Hanish, attacking the pageant contestants was a form of victim-blaming. She believes feminists should not attack the women themselves when the common enemy is the imposed standards of beauty and femininity. Hanish believes that she and other feminists can only arrive at this more thorough analysis by reflecting on their common experiences as women.

Thus for Hanish, the personal is political because it is only through communal exploration of personal experiences that feminists can arrive at a deeper understanding of the oppression against which they should band together.

Hanish believes that this realization was personally meaningful, as well as a potential source of collective power. Hanish writes:

*This is not to deny that these sessions have...aspects that are therapeutic. I prefer to call even this aspect "political therapy" as opposed to personal therapy. The most important is getting rid of self-blame. Can you imagine what would happen if women, blacks, and workers...would-stop blaming ourselves for our sad situations? It seems to me the whole country needs that kind of political therapy.*

Hanish believes that the discovery that others experience the same oppression, even if they experience it or react to it differently, is powerful both because it can join people together and because that realization makes someone individually stronger. A person who sees her struggle as linked to and part of a larger struggle realizes that she is not to blame for her situation and can draw upon her connection to others to overcome.

After reading Hanish's essay, I thought back to the group of survivors with whom I met. I don't know whether they would identify with Hanish's ideas. Certainly, for a victim of domestic violence who is actively being abused by a particular person, she must perceive her struggle as intensely personal, not political. Others do not share in that struggle. But, Hanish has since said that in her essay she did not use the word political to only describe the passing of laws and winning of elections. For her the word is broader; it describes an analysis of power—who has it and who doesn't, who benefits and who suffers. Moreover, one of the key points of Hanish's essay is that the very act of sharing one's personal story is a political act. It is through dialogue and exchange, through the weaving together of various commonalities and differences of several people's stories, that a picture of the political landscape, in which those individuals live, emerges.

Again, while I am not certain, I imagine that the group of survivors functioned similarly to what Hanish describes. For some, their contributions involved the

simple, courageous act of sharing their stories, but each story potentially contained a strand that could reveal something larger. From the point of view of each survivor the crucial moments of their experiences might vary. For example, any one individual victim might not think of the fact that she could not afford to take time off of work to get a restraining order as particularly significant, but when survivors share their stories collectively, the larger issues of economic justice could come to the fore. In this light, individuals can see the potential for deeper, collective and transformative action. This particular group of survivors was part of a successful effort to pass a referendum in the City of Milwaukee that will allow victims of domestic violence paid time off of work to take preventative action.

To summarize, Hanish tells us that what we perceive as personal can, at a deeper and more fundamental level, be political. The process of discussing personal experiences with others often reveals these less obvious aspects of our lives. The discovery that others share in one's struggle can remove the isolation and self-blame that oppressed people many times feel and can lead to a positive course of action. The group of survivors in Milwaukee put this vision into practice. They shared their experiences with one another, providing the impetus for political actions: building community and connections among themselves, raising their own awareness, and becoming advocates for specific policy changes.

### **Suggestions for Civil Engagement**

As Hanish reminds us, political involvement does not just mean participating in the electoral process or lobbying politicians. Indeed, our movement understands that domestic violence is so prevalent because of the underlying attitudes in the minds of perpetrators and in our culture. Personal victimization has a strong political dimension because it is in part caused by, and reinforces, the social norms and unhealthy attitudes that form a collective injustice. Addressing violence at this level has much less to do with "politics" as it is narrowly understood and more to do with the broad social change that requires reaching the entire community, not just politicians.

Therefore, individuals who want to be civically engaged to prevent domestic violence need not only think of that activity in terms of the traditional political process. Last month, WCADV and local community programs in Dane County, including member programs Domestic



Abuse Intervention Services, and UNIDOS Against Domestic Violence and Freedom, Inc. participated in a community dialogue about involving men in the effort to end violence against women. This session did not include a discussion of legislative initiatives or a call to political leaders, but it certainly was an act of civic engagement. Members of the wider community were engaged to actively take steps towards eliminating the conditions that allow violence to continue. This type of community discussion and mobilization is a necessary avenue for civic engagement. Likewise, on an individual level, simply talking with friends, family and other community members about domestic violence is a way to promote change. Even more, consciously advancing healthy attitudes about relationships, gender-roles and conflict resolution in one's community constitutes an important form of civic engagement.

### **The Political Process**

Yet, there are common areas of concern that are most naturally addressed by the political process, as it is traditionally defined. In many cases, survivors face immediate barriers that lend themselves to remedial changes in law and policy. In the history of our movement, more progressive legal definitions of sexual assault, the expedited availability of restraining orders, arrest policies focused on victim safety and changes in family law are all historic improvements won through the political mobilization of survivors and advocates. Systems and institutions currently responding to domestic violence would not serve victims had these victories not taken place.

As important as those victories were, victims' need for policy change is not limited to laws applying specifically to domestic violence. Victims are likely to face several levels of inequities that increase the abilities of abusers to exert power and control over them. Issues of economic justice and racial and gender inequality directly impact the experiences of many survivors. As the survivors who fought for the sick leave ordinance in Milwaukee showed, these broader concerns can at least be partially addressed through the political process.

The advancements won by the anti-violence against women movement were revolutionary and products of the credibility, sophistication and determination of survivors and advocates. The effort to bring about broader equality and justice is an uphill battle, as powerful interests often have incentives to resist change. Both of these points demonstrate how vital it is for survivors and advocates to participate actively in

the political process, if it is to remain—as it should—an important vehicle for reducing and eliminating domestic violence.

To that end, there are a variety of ways to participate effectively in the political process.

### **Dialogue with Others and Organize**

To again draw on Hanish's insights, a group of individuals is more likely than a single, isolated person to identify root problems and think of solutions. Developing collective solutions in larger groups also improves the chances that the solution will be implemented because the members of the group will be invested in advocating for the change. Many times a policy proposal will not take hold unless advocates have the backing of many voices.

### **Recommend Policy Changes**

Advocates and victims are the experts on issues related to domestic violence and, therefore, have a high degree of credibility with policymakers, who lack specific knowledge. Individuals and groups should feel empowered to recommend policy changes. Please contact the WCADV policy development coordinator if you believe you have information about a problem (or a solution) that could be ripe for policy change.

### **Build Relationships with Legislators**

Developing a relationship with your legislator is usually mutually advantageous. Legislators are always looking for ways to be connected with their communities and to gather information about what matters to their constituents. When you take the time to establish a relationship with your legislator, you gain credibility and trust that will pay off when you ask your legislator to support a particular proposal. Programs can invite legislators for a tour or to an event. Individuals can build relationships with legislators by attending town hall meetings and community gatherings.

### **Stay Informed**

In order to impact the political process in ways that improve policy for survivors, you must have ways to stay informed. Your advocacy will be most effective if you act at key points in the process. Politicians balance a number of different issues and many times make key decisions within a narrow timeframe. WCADV and the

National Network to End Domestic Violence (NNEDV) have action alert mailing lists that allow you to know when your advocacy will be most effective.

You can sign up for the WCADV alerts at:  
<http://lists.wcadvlists.org/listinfo.cgi/policy-wcadvlists.org>

A subscription to the NNEDV mailing list is available at: <http://www.nnedv.org/getinvolved/actionalerts.html>



### **Call, Write or Email Your Legislator**

Contacting your legislator can have an enormous impact on his or her support for a particular piece of legislation. You have several options when contacting your legislator: call, write or email. Concise phone calls are many times the most effective and take the least amount of time. During the call you should explain:

- who you are (highlighting the fact that you are a constituent)
- why you care about a particular issue
- the action you want the legislator to take
- why you want the legislator to take that action

To the extent you are willing and able, you should make your request personal. Individuals committed to eliminating domestic violence usually have compelling reasons for their dedication to the cause. If your request is informed by your life experience or the experience of someone you know, you should make sure your legislator understands the depth of your commitment to the issue. Remember to close with a clear request. If your legislator or his or her staff person cannot give you an answer, ask for a response within a reasonable amount of time.

If you decide to write or email your legislator, you should cover the same points. A handwritten or signed letter faxed to the legislator's office will tend to get more

attention than email. Likewise, an email that is clearly personally composed will get a better response than a generic email. But clearly, any form of constituent contact is better than none at all.

### **Meet with your Legislators**

When you are able, meeting with your legislators is a great way to maintain contact with them and to keep them focused on the issues that matter to you. Your visit can be an opportunity to inform your legislators about domestic violence issues and policies generally or can involve a specific request for support. While visiting with your legislator, you should introduce yourself, explain in compelling terms why you care about a particular issue or set of issues and close with a specific request, if you have one.

### **Testify at Hearings**

In Wisconsin, on the state level, any member of the public can testify on a piece of legislation in front of the standing committees responsible for recommending its passage. The public hearing can greatly affect how a piece of legislation is viewed throughout the legislative process. The votes of the committee members have an enormous impact on whether a piece of legislation moves forward, and often the members' opinions are formed during the public hearing. Like other information shared with legislators, testimony is most effective if it is informed, concise and backed up by facts or personal experiences. Because of their backgrounds, survivors and advocates are able to deliver this kind of testimony. Please contact the WCADV policy coordinator if you are interested in learning more about testifying on legislation related to domestic violence.

### **The Political is Personal**

Whether working in their communities or calling, writing, testifying or meeting with legislators, individuals and organizations that care about domestic violence have a simple but potentially powerful message: the political is personal. By looking at individual struggles and tragedies, we see collective problems that call for political solutions. With the benefit of that vision, our job is to explain what community or political action could mean in human terms. If we are organized, dedicated and deliberate, we can continue a tradition of advancement toward reducing and eliminating domestic violence.



**By Tony Gibart**

**T**his past legislative session brought a number of changes to Wisconsin law that will be beneficial to victims of domestic violence.

Early in the legislative session, the Governor signed 09 Act 75, which permits counties to make contributions towards the capital campaigns and operational expenses of domestic violence victim service providers.

The Victim Fair Housing Act (09 Act 95) now prohibits discrimination in housing based on one's status as a victim of domestic violence, sexual assault or stalking. This law was passed to address situations in which a landlord refuses to rent to an applicant after learning that the individual is a victim. With the greater use of CCAP and internet searches, it is not uncommon for a landlord to discover a potential tenant's history of victimization. The Victim Fair Housing Act also provides tenants with specific defenses to eviction. Under the law, a landlord may not evict a victim based on incidents of domestic violence if the perpetrator was an uninvited guest or the victim takes steps to prevent the perpetrator from returning to the property.

Another Act, the Lock Out Abusers Act (09 Act 117), addresses the housing needs of survivors. The law requires that landlords change the locks to a victim's apartment within 48 hours of a request, if the victim has a copy of a restraining order, criminal complaint or criminal no contact condition. Please see the section by Morgan Young, WCADV Immigration/Poverty Law

Attorney, for more information about both the Victim Fair Housing Act and the Lock Out Abusers Act.

Both houses of the state legislature also passed the Wisconsin Restraining Order Improvement Act. At the time of writing, this bill was on track to being signed by the governor and will take effect this fall. The bill ensures that minors can seek harassment restraining orders. This legislation was passed so that teen victims of dating violence could obtain injunctions against their abusers even if a supportive parent is not involved. The bill also resolves inconsistencies between the harassment and domestic abuse restraining order procedures. Please see the section by Tess Meuer, Director, WCADV Legal Department, for more information about these changes.

In addition to improving restraining orders, the legislature addressed teen dating violence in other ways. The Healthy Youth Act (09 Act 134) requires that school districts that offer human growth and development curricula provide age appropriate information about preventing teen dating and sexual violence. Specifically, the Healthy Youth Act will promote instruction that teaches students to refrain from making unwanted and inappropriate advances and offers guidance on how to report dating and sexual abuse. The Act also requires that the curricula focus on healthy relationships and identify resources for victims of sexual and dating violence.

The legislature also acted to improve the privacy of victims of sexual assault. The Sexual Assault Victim Privacy Protection Act (09 Act 138) provides a rape shield that prevents defendants from attempting to bring up potentially embarrassing details of a victim's sexual history in civil court. The law also contains additional provisions, including a ban against courts ordering victims to submit to a mental examination for the purposes of assessing credibility as a condition of testifying.

Lastly, under changes included in 09 Act 187, custody reports will now have to be submitted in the same manner as other evidence and these reports must be given to the parties in advance of their submission into the record. These modifications should allow victims of domestic violence better opportunity to challenge custody reports that are inaccurate or do not properly account for abuse.



# Housing Laws Chart

By Morgan Young

Quite obviously, victims of domestic violence are often not safe in their own homes. As a result, many victims experience housing instability. In fact, domestic violence is a leading cause of homelessness. A comprehensive survey of Minnesota's homeless population revealed that thirty-two percent of the homeless women in that state were made homeless, at least in part, because of intimate partner violence.<sup>[1]</sup> As Wisconsin's survivors experience comparable housing stories, WCADV and Legal Action of Wisconsin have focused policy advocacy efforts on ensuring that Wisconsin housing laws account for the needs of survivors. Our goal has been to support laws that protect victims' right to stay safely in their homes and prevent victims from being penalized if they need to flee.

The following chart outlines our most recent housing law victories, laws that are intended to empower victims to find safety and security.

	<b>Wisconsin Safe Housing Act</b>	<b>Victim Fair Housing Act</b>	<b>Lock Out Abusers Act</b>
<b>Wisconsin Statute</b>	Wis. Stat. § 704.16	Wis. Stat. § 106.50	Wis. Stat. § 704.16(4)
<b>What does it do?</b>	Allows victims of domestic violence, sexual assault or stalking who face an imminent threat of serious physical harm to vacate rental units to seek protection	Prohibits discrimination on the basis of one's status as a victim of domestic violence, sexual assault and stalking, including an eviction defense in certain situations	Requires that a landlord change the locks or allow a tenant to do so within 48 or a request with the appropriate documentation (see below)
<b>When does it apply?</b>	When a tenant or child of a tenant faces an imminent threat of serious physical harm from another person if the tenant remains on the premises	When a member of a household who is seeking to rent or purchase housing has been, or is believed by the lessor or seller to be, a victim of domestic abuse, sexual assault or stalking	When a tenant or child of a tenant faces an imminent threat of serious physical harm from another person if the locks are unchanged
<b>How does a survivor utilize the law?</b>	By providing a certified copy of any of the following:  -Domestic abuse, child abuse or harassment restraining order -A "no contact" bail condition -A criminal complaint for sexual harassment, stalking or domestic abuse	By filing a complaint within 1 year of the discriminatory action – form available from the Equal Rights Division (EDR) of the Department of Workforce Development  For more information: <a href="http://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd_9523_p.pdf">http://dwd.wisconsin.gov/dwd/publications/erd/pdf/erd_9523_p.pdf</a>	By providing a certified copy of any of the following:  -Domestic abuse, child abuse or harassment restraining order -A "no contact" bail condition -A criminal complaint for sexual harassment, stalking or domestic abuse
<b>What properties are affected?</b>	All residential rental properties	All residential rental properties and owner-occupied single family homes for rent or sale	All residential rental properties

1. Wilder Research Center, Homeless in Minnesota 2003, February 2004.



# Harassment Orders Become More Parallel to Domestic Abuse Orders

By Tess Meuer

**The 2009 Wisconsin Restraining Order Improvement Act is an omnibus bill which provides major changes in restraining orders, primarily to harassment restraining orders. The intent of the law is to make harassment orders under Wis. Stats 813.125 more parallel to domestic abuse orders under Wis, Stats. 813.12. Once the new law takes effect (four months after the date the Governor signs it, likely to be late summer or early fall of 2010), these changes will occur, making the procedures and process more similar for these two orders:**

**Can request date for injunction hearing if TRO denied:** In cases in which a court grants a fee waiver for petitioners filing a harassment restraining order [cases in which the petitioner alleges conduct that qualifies as domestic abuse or stalking], if the court denies the petition for a harassment temporary restraining order (TRO), the petitioner may request a date for an injunction hearing. As is done with the domestic abuse order, the petitioner can make this request on the same form entitled the Petition for the Temporary Restraining Order and/or Injunction. This procedure is intended to allow petitioners in intimate relationships who choose to file a harassment order the same protections as those who file for a domestic abuse order. Most petitioners in intimate relationships who file a harassment order rather than a domestic abuse order do so because they do not wish the court to order the respondent to surrender his/her firearms. If a domestic abuse order is granted, there is an automatic firearms surrender order. In a harassment order, the petitioner



can determine whether to request firearms surrender and the court has the discretion to decide whether to do so.

**Can provide service by publication:** Once the court grants the harassment temporary restraining order (TRO), the petitioner must provide notice of the TRO to the respondent. If law enforcement is not able to serve the respondent with notice, the petitioner may provide service by publication as can also be done for a domestic abuse order.

**Court cannot deny due to existing circumstances:** The judge or circuit court commissioner may not dismiss or refuse to grant a harassment TRO or injunction because of 1) the existence of any other court order that bars contact between the parties (for example, a no-contact condition of bail), 2) the existence of a pending court action (for example, an on-going divorce proceeding), OR 3) due to the necessity of verifying the terms of an existing court order.

Sheriff can now place in possession of home: In a domestic abuse order, and now in a harassment order, (once the new law passes) upon request of the petitioner, the court shall order the sheriff to accompany the petitioner and place him or her in possession of her or his residence.

Some significant differences remain between the two orders, the most notable being firearms surrender. If a domestic abuse order is granted, an automatic firearms surrender occurs. The provisions in the harassment order have not been altered by this law, which means a petitioner must request firearms surrender (if desired); the petitioner must show by clear and convincing evidence that the firearms have or will be used to cause physical harm to another or to endanger public safety; and the court has total discretion whether to grant this request.

Other differences continue to include:

-There are additional remedies available for a domestic abuse order. The court can order broad remedies, such as a no hit order, a no contact order, a combination of remedies, or any remedy not inconsistent with those requested by the petitioner. The court can order respondent to stop engaging in domestic abuse in a domestic abuse order; in a harassment order, the court can order the respondent to stop harassing or intimidating the petitioner or can enjoin the respondent from engaging in behavior which is substantially similar but does not have the authority to grant a generic no-contact order.

-In a domestic abuse order, the court must grant the petition for the length of time requested by the petitioner for up to four years. In a harassment order, the court may grant the petition for the length of time it determines appropriate up to four years. In addition, there are no provisions for an extension of a harassment order as there are for a domestic abuse order.

Minors may now file harassment petition: Other significant changes in the harassment restraining order law include a provision which specifies that any

child, parent, stepparent or legal guardian of a child may file a harassment petition. This provision clarifies that minors, including teens, have authority to file a harassment order without the assistance of an adult. It also specifies that a court or a petitioner may ask for a Guardian ad litem (GAL) if a minor files a petition.

Petitioner to tell court of any other no-contact orders: Another change made by this new law applies to all four types of orders: domestic abuse, harassment, child abuse and individuals at risk. Every petition must now ask the petitioner whether there are any other known court orders or judgments prohibiting contact between the petitioner and the respondent. The petitioner is to inform the court of any known type of proceeding restricting or allowing contact between the parties and the name, date or type of the court proceeding. This provision allows a victim to tell the court about such existing orders as a no-contact condition of bail or about provisions in the family law order which allow

contact between the parties. This allows the court to not make contradictory orders or to rectify orders so they are not contradictory. It also helps the court to assess safety concerns for a petitioner when other courts have placed orders of no-contact against the respondent.

Petitioner to provide address for confidential file: The new law now requires both petitioners of a domestic abuse or harassment order to provide the clerk of court an address. The clerk is

required to maintain this address in a confidential (sealed) file. This provision does not change the law which states that neither the domestic abuse or harassment order petition can require the victim's address; rather, it specifies that this information is available to the clerk of court should the court need to contact the petitioner at a later time at a mailing address.

Two other changes to the law are outlined in separate articles: the conversion from a domestic abuse to a harassment order via a stipulation and the process for a de novo review.

## **Some significant differences remain between the two orders, the most notable being firearms surrender.**

**“My ex-boyfriend shot and killed my mother and tried to kill me. I feel I survived so that I can speak out about the risk guns pose when in the hands of domestic abusers. I am committed to supporting legislation that will make it harder for abusers to have access to illegal guns.”**

**–Sarah Engle**

Under a law passed in 1995, domestic abuse restraining orders automatically require the respondent to surrender firearms. As a result, victims have sometimes opted to seek a harassment order. The harassment order allows the petitioner to request a firearms surrender IF the petitioner can show by clear and convincing evidence that the respondent may use the firearm to cause physical harm to another or to endanger public safety. Even with this evidence, the court has discretion whether or not to order firearms surrender.

While the optional provision in harassment orders is intended to allow victims the option of whether to ask the court to order the respondent to surrender his or her firearms, others in the legal system sometimes attempt to coerce the petitioner to seek a harassment order whether the petitioner wishes to do so or not. This occurs when the respondent, an attorney for the respondent or a court asks the petitioner to stipulate to convert the domestic abuse order to a harassment order. Attorneys and courts making this request often acknowledge they do so because they wish to allow the respondent the right to his or her firearms, especially if the respondent is a hunter.

## **Conversion from Domestic Abuse to Harassment**

**By Tess Meuer**

These efforts to thwart the safety provisions of the domestic abuse order requiring mandated surrender of firearms fly in the face of firearms statistics. Statistics released by the US Department of Justice noted that in 1999, about one third of all female murder victims died at the hands of their current or former spouse or intimate other and two thirds of all these women were killed by firearms.

This statistic is in keeping with the annual domestic homicide report compiled by the Wisconsin Coalition Against Domestic Violence (WCADV): In the years between 2000 and 2008, over one-half of female domestic homicide victims were killed by firearms. As noted in the 2008 WCADV Domestic Violence Homicide Report:

*Guns continue to be the most likely weapon used in a domestic violence homicide in Wisconsin. Between 2000 and 2008, 156 people were murdered with a gun in domestic related homicides. This is more than those killed by knives, other weapons, beating, strangulation, and other methods of killing combined.*

The number of deaths from domestic violence in Wisconsin is on the rise. WCADV's Domestic Violence Homicide Report released for 2009 provides these grim statistics: In 2008, 36 people were killed in domestic violence attacks; in 2009, that number hit at least 60 deaths -- a 10 year high. In addition, the use of firearms continued to be the major cause of these escalating deaths.

Thus, whether a petitioner clearly understands the consequences of getting a harassment injunction rather than a domestic abuse injunction is an issue which could greatly impact victim safety. The mechanism used by the court to allow the change from a domestic abuse to a harassment order is to ask the petitioner if she or he will agree to stipulate to convert from a domestic abuse



order to a harassment order. Often this request is made of a pro se litigant who feels coerced by the respondent, the respondent's attorney or the court who is offering this suggestion. The suggestion is made without compliance with due process requirements to provide notice; that is, the petitioner is not informed of what remedies she or he will or will not be granted if he or she agrees to the stipulation.

The new bill provides the following:

If the parties enter a stipulation to convert a petition for a domestic abuse TRO or injunction to a harassment TRO or injunction, the court may not approve unless: 1) Either or both parties submit an oral request on record explaining the reason for the conversion request; and 2) The court addresses the petitioner personally to determine the petitioner entered stipulation voluntarily and with an understanding of the differences between the orders.

These new provisions are designed to attempt to lessen the impact of coercion on petitioners, especially pro se litigants. In addition, they are meant to be certain that any stipulation is a freely given agreement proposed to the court by the party or parties, rather than a court making a suggestion to a vulnerable, scared or uninformed petitioner.

While these provisions do not prohibit a conversion of a domestic abuse order to a harassment order, they are a direct response to efforts by those who attempt to circumvent victim safety by requesting a stipulation to allow the respondent to possess his or her firearms. This law puts the courts, the respondent and attorneys on notice that the firearms surrender law is designed to provide safety for the victim and is to remain the focal point of any court decision about conversion or stipulation from the domestic abuse order to the harassment order.

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# Timeframe Instituted for DeNovo Review of Decision by Court Commissioner in Any TRO or Injunction

By Tess Meuer

**P**arties are often unclear about what to do if they believe a court has made an error in its decision, particularly an error in not granting the request for a temporary restraining order (TRO) or an injunction. While restraining order forms clearly state whether a final order is final for purposes of an appeal, they do not specify what a party can do if a court commissioner makes an error. This is a significant piece of information because in Wisconsin, a court commissioner's decision is not considered final for purposes of an appeal. In other words, if a judge makes a legal error, one or both parties can seek an appeal to an appellate court of the judge's final ruling/decision. Because a party cannot seek an appeal of a court commissioner's "final" decision, the process for asking for review of what the court commissioner decided is called a de novo review.

A de novo review is the process of having a judge conduct the same hearing previously heard by the court commissioner. The decision made by the judge becomes the final decision, whether it is the same as or different from the decision previously made by the court commissioner. A de novo review is a do-over; another hearing with the same petition, facts and parties, but this time in front of a judge. IF the judge makes the same decision and the party or parties continue to disagree with the alleged erroneous outcome, the party or parties can now appeal the judge's decision. A de novo review allows a party an opportunity for appellate review, if needed.

While a de novo review of a court commissioner's decision in a TRO or injunction hearing is already possible under existing law, this new law provides guidance for a timeframe. Prior to passage of this law, the practice of de novo review varied statewide.

In 2005, the Wisconsin Office of Justice Assistance (OJA) received a Grant to Encourage Arrest (GTEA) from the U.S. Department of Justice Office on Violence Against Women for the Restraining Order Information Sharing Project. One component of this project involved an assessment of current practices surrounding

restraining orders in Wisconsin. The goal was to identify needs and problem areas and potential corrective actions.

Information gathered from domestic violence programs (advocates), clerks of circuit court, judges and court commissioners appeared in a paper entitled *Statewide Restraining Order Assessment Report*.

One of the findings from the clerks of court, judges and court commissioners who responded to the survey notes the lack of uniform timeframes for de novo review hearings. Some, but not all counties, have local court rules which set timeframes for filing the request and for response to the request. However, there is no uniformity statewide in these timeframes. In addition, many counties have no local court rule with de novo review timeframes. This can result in the process being dragged out for long periods of time with hearings scheduled months out from the time of the request. The report suggests that consistency in timeframes provides needed clarification.

The new law, when it takes effect, establishes uniform, statewide timeframes. A party has 30 days from the date the court commissioner makes the decision to file a motion for a de novo review. The court then has 30 days from the date the petition is filed to conduct the de novo review hearing. While some survey participants suggested a shorter length of time, for requesting a review, such as 14 days, some counties have an existing local court rule allowing 30 days in which to file a petition requesting a de novo review. The legislature determined it did not wish to interfere with existing local rules providing a 30-day timeframe for review. Thus, the new law now provides a timeframe of 30 days to file for a review and 30 days for a judge to conduct the review hearing.





On Saturday, May 1, 2010, over 250 men, women, and children walked one mile in women's high heeled shoes around Madison's Capitol to protest domestic violence and gender violence. This first annual event was a benefit for DAIS, UNIDOS and WCADV. The walk raised over \$15,000 for the organizations, and exceeded ex-

pectations. Thank you to all who walked, raised money, donated money, and to the committee for planning a successful event. Committee members: Cecilia Gillhouse- MATC Intern and Executive Director of UNIDOS, Zoe Schuler-MATC Intern, Lisa Blanchard-Community Volunteer, Emily Barnes - DAIS Development Coordinator, Peter Bennett-Legal Advocate DAIS, , Marlys Howe-Victim Witness Coordinator Dane County and Mary Jo Elert- Development Coordinator WCADV.



Jessica Witham Team Foxy Veronicas Peach Pies



Theresa Kuehl & Distinct Attorney Brian Blanchard



Ella LeVally (DAIS), LT. Michael Newton (UWPD), Peter Bennett (DAIS) and Teresa Kuehl (DAIS)



Nathan Davis, Denis Radenkovic , Michael Opest, Manuel Herrero-Puertas

DAIS, UNIDOS and WCADV would like to thank the following businesses, groups and organizations for supporting Dane County's first annual Walk A Mile In Her Shoes:



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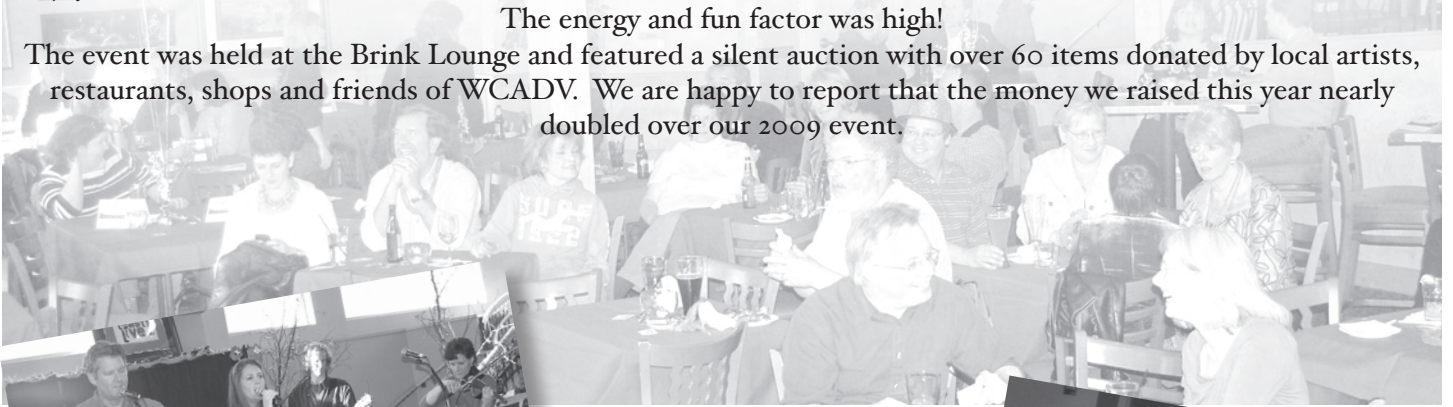


# WCADV Annual Spring Social another Great Success!

March 17, 2010 was the perfect day for WCADV's Annual Spring Social. Many came out to celebrate the warm, sunny temperatures of a beautiful spring day, along with the Irish tradition of St Patrick's Day. Friends and allies enjoyed the tunes from our favorite local band We Are Beatrice. Thanks to all who came out to celebrate with us.

The energy and fun factor was high!

The event was held at the Brink Lounge and featured a silent auction with over 60 items donated by local artists, restaurants, shops and friends of WCADV. We are happy to report that the money we raised this year nearly doubled over our 2009 event.



**We are Beatrice**



**Sue Ann Thompson-Wisconsin Women's Health Foundation (WWHF), Patti Seger-WCADV, Representative Terece Berceau, Diane Welsh-Wisconsin Department of Health Services and Tommi Thompson-WWHF**



**Deb Labine-Golden House of Green Bay & Ursula Bunnell, WCADV Board Member**

## Many Thanks!

**The Wisconsin Coalition Against Domestic Violence wishes to Thank the following donors for their generous support of the 2010 Spring Social:**

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