

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 11:00 a.m./~~pm~~, on January 27, 1978.

All members were present except: Senators Mulich and Hein

The next meeting of the Committee will be held at 11:00 a.m./~~pm~~, on January 30, 1978.

~~These minutes of the meeting held on _____ 19____ were considered, corrected and approved~~


Chairman

The conferees appearing before the Committee were:

- Joan Wagnon - YWCA
- Susan Fisher - Attorney
- Judy Teusink - Kansas Women's Political Caucus
- Kathy Calvillo - Women's Center of Topeka
- Francine Young - Private Citizen
- Virgil T. Kelley - American Legion, Centralia
- Joe Krahn - Department of Transportation
- Senator Larry Rogers

Staff present:

- Art Griggs - Revisor of Statutes
- Paul Purcell - Legislative Research Department

Senate Bill No. 579 - Civil action to protect adults and children from abuse by persons residing with them. Senator Parrish, co-author of the bill, explained the bill is copied from a bill passed in the state of Pennsylvania. He stated that abuse of family members is a growing problem that has not been properly recognized. Abuse is not necessarily always induced by alcohol. Abuse occurs in fifty to sixty percent of marriages. This bill seeks to provide some alternatives. He stated that the primary benefit of the bill is in providing emergency relief. He pointed out that lines 102 and 103 appear to contain some errors in grammar. He stated several other states have looked into this area; California provides emergency transportation and shelter. He stated this bill should be a vehicle for serious review.

Senator Berman, the other co-author, said that fundamentally today, in Kansas, a battered spouse can only avail himself or herself of the criminal justice system or file a petition for a decree of divorce or separate maintenance. These spouses will not avail themselves of the criminal justice system and do not want a divorce. This bill provides an alternative to use on a temporary basis.

Joan Wagnon, of the YWCA, appeared in support of the statements made by Senator Parrish. She supports the bill, although she feels it

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

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does not go far enough. She stated the problem of abuse is a public matter and not just a private matter. She stated her organization has had to give emergency help to nine women this week. She related several cases they have been involved with.

Susan Fisher spoke in support of the idea of the bill, but feels it does not provide sufficient legal remedies. She stated persons need permanent restraining orders, and emergency relief. She related problems experienced in the legal system. She stated there is a primary need for housing, outside of private homes. She stated that the police are willing to provide some support, although police feel it is dangerous to go into a domestic situation. In response to a question as to how to get the police to be more willing to become involved, she stated that one problem is that a lot of battered spouses are not willing to press criminal charges. Committee discussion with her followed.

Judy Teusink testified in support of the bill, and a copy of her statement is attached hereto. She stated that domestic disturbance calls to the Topeka Police Department during January and February, 1977, averaged 28 to 34 calls a day. She stated the whole constellation of behavior of the man and woman involved in this kind of assault describes one of the most distressing scenes in family life today.

Kathy Calvillo spoke as an individual who has worked with victims of spouses assault. She said the bill does not go far enough; it provides no deterrent to further abuse nor does it allow the victim to recover damages for medical costs that are the result of injuries. A copy of her statement is attached hereto.

Francine Young, a former battered wife, related her personal experiences as a battered wife.

Senate Bill No. 593 - Wrongful making of improvements by entities having power of eminent domain.

Senator Rogers, the author of the bill, explained the purpose of the bill and how it would protect the landowner. He stated he desired to provide protection to a landowner who can't afford a court fight. Committee discussion followed.

Virgil Kelley appeared and explained to the committee the problem the American Legion Post in Centralia had when a pipeline was installed in the wrong place and not on the easement that had been obtained. Committee discussion with him followed.

Joe Krahn, of the Kansas Department of Transportation, stated that if the bill is passed in its present form, it will cause serious ramifications. He urged that the bill be amended to provide the

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court some discretion in such instances.

The meeting adjourned.

These minutes were read and approved
by the committee on 2-9-78.

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Barbara Merchinger	3115 Shadow Topoka	Topoka Jr. League
Judy Weaver	1501 Embury Ave. Top.	Topoka Jr. League
Ellen Erickson	Box 5314 Topoka	Ks. Children's Service League
Jordan Sartz	K. Dept of Transportation	STATE Off. Bldg.
Fernande Young	Women's Center 1268 Western	
Katie Hinder	117 Woodlawn Topoka 66606	Battered Women Task Force of Shawnee Co
Jessie Fisher	820 Quincy Topoka	Attorney
Jean Wagner	Ywca 325 W 12 th	Ywca
Kathy Calullo	1268 Western Topoka	Women's Center of Topoka
Jim Claussen	1268 Western	Mental Health Assn.
Joe Krahn	KDOT 7 th Fl. S. 213	
Beata Weiss	702 Tyler	
Matt Benson	State	
Kathleen Schelium	Topoka	KTLA
Hal Hudson	Topoka	KPL
Mindy Bergner	Topoka	
Judy Tursink	Topoka	cup - journal
Joan White	1315 Lakeside	Ks. Women's Political Caucus
Yvonne Newbray	1415 Collins *	Jr. League Topoka
Senator Larry Rogers		Junior League of Topoka
Geed Miles	RR Butcher's Ks.	Armstrong-Mayer Post 216
Jim Wells	" " "	American Legion

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Jean Conley	R.R. Centralia	American Legion
Virgil V. Kelley	Box 38 Centralia, Ks.	" "
Charles V. Hamm	State of Ill.	SRS
Irene Quantz	Coone City	usep
John W. Wiley	K. C. K.	United Methodist youth
Cathy Heininger	Lawrence,	United Methodist Youth
Carol Yeatman	Topeka	Battered Women Task Force

1-27-78

THE KANSAS WOMEN'S POLITICAL CAUCUS
TESTIMONY ON SENATE BILL 579
BEFORE
THE SENATE JUDICIARY COMMITTEE

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JANUARY 27, 1978

My name is Judy Teusink and I am the registered lobbyist for the Kansas Women's Political Caucus. I am speaking in favor of Bill 579. There has been quite a bit of publicity lately surrounding the person we have come to know as the "battered woman". The whole constellation of behavior of the man and woman involved in this kind of assault describes one of the most depressing scenes in family life today. The man, often brought up with violence himself, continues the pattern in his own marriage. The woman, thinking she has no recourse, or worse yet that its a woman's place to accept the beatings, stays in an intolerable situation. Even if she does seek legal assistance, in Shawnee County she is told to give herself a three-day cooling off period before pressing charges.

It is tempting to harangue the committee with scenes of apparent domestic tranquility that are instead horror scenes of despair. Suffice it to say that domestic disturbance calls to the Topeka Police Department during January and February 1977 averaged 34-28 calls a day. The percentage of these that are assaults against females by males with whom they live is very high. The passage of Seante Bill 579 would take steps to provide immediate aid to people who need to get out of the abusive situation and furnish the physical means to cope with a very devastating experience. The Kansas Women's Political Caucus is very pleased that the sponsors of this bill took action toward a partial remedy for abuse within the home.

Testimony of Kathy Calvillo on Senate Bill 579
January 27, 1978

Gentlepeople:

I am speaking to you today as an individual who has worked with victims of spouse assault and has done some serious thinking into the problem of family violence.

When I talk about spouse assault, I am not talking about someone who loses his temper and perhaps once slaps his wife. Instead, I am talking about a "violence syndrome" that usually begins in the first year of marriage, sometimes before, and escalates in both violence and frequency until finally the victim ends up in the hospital as a result of the beatings. I am talking about broken ribs, arms, legs, fractured skulls, and concussions. One assaulter stomped on a woman's hand when she tried to use the phone to call for help and broke those delicate bones. I am talking about victims that are maimed for life as a result of repeated beatings. I am talking about pregnant women who misscarry due to repeated blows to the stomach.

Weapons include not only fists but also feet, the ever present cowboy boots do a lot of damage, as well as just about any hard or sharp instrument found in the home. It is not uncommon to have a victim report a gun being held to her head with threats of murder if she presses charges or lets anyone know of the incidents. Murder is indeed related to spouse assault. A study by the Kansas City and Detroit police departments reported that in 80% of the

family murders studied, the local police had responded to at least five domestic disturbance calls from the home prior to the murder.

Why does the woman stay? The reasons given are largely economic. Many of these women have either never worked or not worked since the first child was born. If they leave, they have no place to stay and no way to feed and clothe their children. The unattractive option of welfare is often their only option. Fear of further violence is another deterrent. It is not uncommon for an assaulter to follow her to her place of refuge and beat her more severely than before. Society must facilitate the victim getting out of a violent situation and back in control of her own life. Senate bill 579 does just this and I am in support of this legislation.

It does not go far enough, however. It provides no deterrent to further abuse nor does it allow the victim to recover damages or medical costs that are the result of injuries. I am thinking of the woman who spends two weeks in a hospital with a fractured skull or broken limb. She cannot sue her husband for medical costs, loss of earnings, or permanent damage done. I know of one woman who is totally blind in one eye and partially blind in the other due to repeated assaults to the eyes. She will be maimed for the rest of her life, and will have difficulty in earning a living and caring for herself and her children. Yet she cannot recover ^{from} ~~for~~ her former husband for the injuries she sustained.

In conclusion, I urge the passage of Senate bill 579 and also urge you to strengthen the bill by including a provision by which a victim may recover damages due to an assault. We need to make the assaulters responsible for their actions.

Thank you for this opportunity to speak. I am now open for questions.



WOMEN'S CENTER OF TOPEKA, INC.

1268 WESTERN PHONE—913-357-7650 TOPEKA, KANSAS 66604

February 2, 1978

Senator Elwaine Pomeroy
Statehouse
Topeka, Kansas 66612

Dear Senator Pomeroy:

During the heat of my cross-examination by Senator Steineger after my testimony on Senate Bill 579, I responded that I was unaware of a case in which a restraining order was violated by an abusive husband. This is not true and I apologise for my omission.

Let me inform you of a case handled by the Battered Women's Task Force the week prior to the hearing. The victim was housed at a volunteer home for her safety, she filed for divorce and a restraining order was served on her husband. Once the restraining order was served, the victim felt it was safe to return home. This was not the case. The victim's husband called the family home, discovered that the victim was there, and said he was coming to "get" her. The victim called the police to protect her and they were present when her husband arrived. Neither the restraining order, nor, oddly enough, the presence of the police prevented the assaulter from attempting to harm his wife. Due to the fact that the husband was abusive to the police officers, he was jailed for the night. However, he was released the next morning. He is now free and we are hiding the victim. We know, now, that it is not safe to return her to her own home to which she is entitled. A restraining order does not stop a fist, or a murder.

This is not the only case, we have others. This case is cited as an example. I thank you for this opportunity to present this information, and I am willing to consult with the committee further if necessary.

Sincerely,

Kathy Calvillo
Member, Battered Women's
Task Force