

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at
Chairperson10:00 a.m./~~pm~~ on January 26, 1984 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaines, Hess, Mulich, Steineger and Werts.Committee staff present: Mary Torrence, Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Rickie Slechta, private citizen
Jerry Harper, Douglas County District Attorney
Anita Favors, Commissioner of Adult Services, SRS
Debbie Hamilton, Social and Rehabilitation Services, LawrenceISSUES OF DOMESTIC VIOLENCE AND ABUSE

The chairman explained this is a brain storming session on the issue of domestic violence. The committee will look at what is being done, what is not being done and what should be done.

Rickie Slechta related events in her life as a battered and abused wife. She said she cares about herself and her children and all of society, but she doesn't like to be slapped around, and this has been going on for 20 years. She is a Christian person, and the mother of four teenagers. She said when she was first married she had a lot of dreams and now she has scars from protecting her one year old child from abuse. Her husband has been put in jail and then released; he has been put in a mental hospital, but they kept him only one month. She has had beautiful homes, but now she is on welfare. She worked as a cook in a nursing home in Overbrook, then as a bartender; her ex-husband shows up, and now she has lost her job and her car because of him. She tried to tell her story to the newspaper, but couldn't use her name because her husband could be identified, and they have to protect the rights of her ex-husband. She feels helpless and if someone can tell her what she can do, please call her.

A committee member inquired how long this has been going on. She replied, twenty years, with not one peaceful day. The committee member inquired, in how many different states? She replied, Kansas, Colorado and Arizona. The committee member suggested this was a break down in the criminal justice system? She replied, it was the same no matter where it was. The committee member inquired if her husband was charged with any type of aggravated battery charge? She answered, yes; instead of going to jail, he was put in the Topeka State Hospital. He was in the hospital a month, or month and a half, and he would sneak out, and they let him out. The committee member inquired, don't understand how he can escape the criminal justice system. She replied, they tell her the law says such and such; and in cases of domestic violence, we like to have a cooling off time. She wants the case left on file. She said he has a good job; that SRS went after him, but he has never paid child support since they were divorced in Arizona. Another committee member inquired how important is it that we make available facilities for people in your position to have shelter for counseling? She replied, it is almost crucial; the shelter in Arizona saved her life. She is now helping people to move out of their situation at home. A lot isn't being done in cases of domestic violence.

Jerry Harper testified since he has been in the district attorney's office, the cases that frustrate him the most are the ones involving domestic violence. They

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
 room 514-S, Statehouse, at 10:00 a.m./~~xxx~~ on January 26, 1984.

ISSUES OF DOMESTIC VIOLENCE AND ABUSE continued

have got to deal with these in a different way than they have in the past. It's time to move ahead on this. About a week ago he met with police personnel to discuss domestic violence. He stated the frustration is the lack of leadership. He urged the legislature to exert leadership in this area. He thinks we have the power to make arrests; but the hesitancy to do that, puts a damper on them doing the job. Mr. Harper explained, when they go in on those situations, by the time they get there, everything has cooled off, or the couple has made up and she does not want to file charges. They draw from that conclusion that maybe that's the way the cases should be handled. Once battering starts, it goes on; he fears sometime he will receive a notice in his office someone is dead. Prosecuting attorneys will charge if pushed enough. He explained the program in Douglas County; that with a diversion program, you can get counseling started to deal with the problems. If you are going to save the family you have got to get everyone involved in counseling. Shelter houses are critically important to get the victims out of the line of fire. He reported the Johnson County program is working well. He hopes the committee can provide leadership in breaking the cycle. A committee member inquired if he had any specific suggestions in regard to changing statutory framework, such as diversion programs? Mr. Harper replied, I don't think there is a need to make a major change in the law. He suggested the legislature could lower the standard for arrests in this situation. He suggested the diversion statute be made more clear; in violence situations it is useful. He suggested funding for shelter houses. Another committee member discussed the peace bond, when it was used to settle family situations.

Commissioner Anita Favors expanded on the statements of the first two speakers. She testified family violence comes in all forms. Victims are afraid to ask for assistance, because they are afraid they will have to go back into that home, and are afraid to lose the love of this individual. She reported only 10% of all actual cases are reported. Salina reported over 100 crisis calls per month. In the state of Kansas family violence is considered to be a private matter. Commissioner Favors listed three major needs; education and awareness of the issue, giving of authority to some agency to investigate, and the need for emergency shelter. Alcohol and drug abuse plays a part. A recent research indicated that 80% of the abusers were intoxicated when committed the offense. They found 60% of the spouse abuse cases are alcohol and drug related.

Debbie Hamilton testified her group assists in women's shelters. The issues they are dealing with more are geared towards family members who share a roof with parent or a child, and the person of concern is in a neglectful situation. She discussed the problem of investigation for the social worker, and the concern with the support systems with which they work to help them facilitate access to the home to make a determination.

Senator Werts moved that the minutes of January 19 and 24, 1984, be approved.
Senator Mulich seconded the motion, and the motion carried.

A committee member inquired of Commissioner Favors, if the legislature found a way to provide \$500,000 funding for assistance for shelter facilities, is there a grant mechanism set up in SRS to administrator the program? She replied, there is a grant mechanism presently set; have some block grant funds available. The committee member inquired, of the administrative cost? She replied, can't see any overwhelming cost. They have basic staff persons.

The chairman asked Commissioner Favors to return next Tuesday to answer questions of the committee.

Senator Hess requested staff to get copies of the Ebert case that was decided last summer by the Supreme Court, and also copies of the most recent district court decision in that case.

The meeting adjourned.

1-26-8,

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