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EXHIBIT A

COPIES OF TESTIMONY SUBMITTED

IN THE HEARING ON AB 160

BEFORE THE NEVADA ASSEMBLY, JUDICIARY COMMITTEE

MARCH 10, 2003

May 1, 2003

Judiciary Committee
Nevada State Senate
Legislative Building
Carson City, NV 89710

Members of the Judiciary Committee:

I am Jennifer Vrieze a domestic violence victim advocate, I have been working with victims of domestic violence for four years. I work for SAFE House, Inc., a domestic violence organization. I am providing this written testimony in support of the amendment to AB 160 allowing service of applications to extend a protection order and notice of hearing on employers.

As you know, a TPO -Temporary Protective Order - is a stay away order that victims can obtain against their abusers. Decisions and actions around obtaining TPO's are life changing and challenging for so many victims. It has been my experience that once the decision to get a TPO has been made, being able to extend the TPO for the full period allowed by law is essential in helping victims attain a level of necessary safety.

That said, it is also my experience that the extension of a TPO can be thwarted by an abuser through his/her ability to avoid being served - i.e., the abuser will leave the primary residence or avoid service at his place of employment. This is frustrating for the victim who has taken this step, and I can only imagine the time and expense involved in the multiple attempts by process servers to access those abusers who continually evade service under the current rules.

I believe that any measures that strengthen the Sheriff's ability to serve applications to extend Temporary Protective Orders and notices of hearing would be beneficial for those victims who choose protection orders as one of the methods used in their safety plans to avoid further abuse.

Thank you

Jennifer Vrieze

March 10, 2003

Judiciary Committee
Nevada State Assembly
Legislative Building
Carson City, NV 89710

Members of the Judiciary Committee,

My name is Carolyn Muscari and I am a domestic violence victim advocate employed by SAFE House, a domestic violence service provider. I am before you today to provide testimony regarding the issue of wage assignment for child support at the Temporary Protective Order phase of a victims desire to separate herself from an intimate partner who is perpetrating abuse against her.

On a daily basis, I work with victims of domestic violence who are faced with a myriad of barriers to overcome in their desire to escape violence and abuse that is inflicted upon them. As you well know, one step in this arduous process is to secure a Temporary Protective Order. This legal tool is designed to assist them in securing distance and safety from their abuser, the value of which cannot be overstated. However, for so many married women with children the issue of the financial responsibility of the perpetrator for his children is not addressed appropriately at this juncture. Consequently the inability to secure appropriate and necessary child support becomes a tremendous barrier for women who are making the first and usually most difficult step in escaping the violence. For example; in a recent case, the perpetrator was ordered to pay my client \$350.00 per month for 3 children. Over the past 6 months he has paid the support only 3 times, each time in open court in front of the judge. Several weeks ago he informed my client that he would simply no longer pay the support. His refusal to follow the court order leaves her with no support for her children and forces her to again initiate the court process to hold him in contempt of a court order. As we know, this process can take several months and, meanwhile, she is left destitute.

Based on my experience of working with victims of domestic violence and their children, I strongly urge you to consider child support issued in a TPO hearing to be enforceable immediately through wage assignment at the time of TPO issue. In addition to providing necessary and appropriate support for women attempting to care for their children in safety, it reduces additional and unnecessary steps involved in navigating the system to provide this support. For so many women, the barriers of ongoing court paperwork and hearings and waiting incurs additional

and tremendous burdens for them to overcome just to obtain financial support for their children. In so many cases, our clients, these victims and their children are penalized via their ongoing navigation of the judicial system and the time they are forced to invest (time away from work or additional day care costs, securing transportation just to name a few) to obtain relief and support in their desire to secure safety and stability for themselves and their children. These additionally burdens and barriers to secure child support are unnecessary particularly when there is a potential mechanism in place- immediate wage assignment at the time of TPO hearing and approval.

I urge you to consider the best interest of the lives of victims and their children and make the appropriate decision to insure that child support is issued at the level of TPO to be enforced immediately through wage assignment.

Thank you

Carolyn Muscari

Memo

To: Judiciary Committee
Nevada State Assembly
Legislative Building
Carson City, NV 89710

From: Kathleen Katz

Date: April 30, 2003

Re: Legal Name Change Legislation

My name is Kathleen Katz. I was a victim advocate with S.A.F.E. House, Inc. for 3.5 years. S.A.F.E. House, Inc. is a domestic violence shelter operating in Clark County since 1995. I am here today to speak in favor of amending the Nevada statutes to allow a victim of domestic violence to change his or her name without being required to publish their current name and the name they wish to assume in the future.

As part of my job duties for S.A.F.E. House, I would contact victims of domestic violence from Henderson Police Department reports, sometimes several days after the report was taken. Victims also contacted my office through the network of other social agencies in the County. My main function was to acquaint victims with options, resources available and connections to the services and support needed to fulfill their goals.

One of their options was to change Social Security numbers, in conjunction with a legal name change. I would review with victims the procedures for each and the possible consequences of taking these actions. Most of the victims would not attempt to change their name legally after hearing that they must publish their name, the fact that they want to change their name, and the name they intend to assume in the future in the newspaper or three consecutive weeks. They believed with the ease of Internet access and availability to most publications, their identity would not be safe. The abuser could locate them from archived editions anywhere in the world, even years later. Victims felt that they may never be able to truly feel safe. Many fled the area, often going into hiding with the help of shelters, family or friends. As with most victims, follow-up contact was not always possible.

One case in particular is Victim X who fled 2000 miles to escape her abuser. Las Vegas was a good stopping point for her since her abuser did not know she had friends or relatives living in Nevada. Since she arrived with little more than the clothing on her back, in my capacity as victim advocate, I supplied her with clothing, household items and food.

This victim's abuser was closely connected with law enforcement in her former state. He had also threatened to locate her using a private detective agency. Her abuser was on leave from work allowing him ample time to hunt for her. This made the victim feel extremely vulnerable. After hearing her options, this victim decided against trying for a legal name change because of the publication requirement. Instead, she assumed an alias. Although I put her in contact with a

social worker from the Nevada Welfare Division, the fact that she was living under an assumed name made applying for assistance difficult to impossible since most of the documents social service agencies require were in her legal name, not her assumed name (such as her driver's license, birth certificate and Social Security number). She wanted to work, but was frustrated between exposing herself, with her legal name and experience to obtain excellent employment, and staying safe, hiding behind her new alias in a minimum wage job. She felt discouraged and helpless with the options open to her.

I worked with this client for several weeks, trying to help her establish a safe, independent household. Despite these efforts, one day Victim X vanished. I called the number I had been using to contact her over the weeks, only to get a recording that the number was not in service. I never heard from Victim X again.

My experience has shown me that some victims of domestic violence believe fleeing is their only option. If a victim is willing to cut ties with her past, by abandoning her name, family and friends, in an effort to stay safe, the State should allow them to do so, safely.

Thank you for allowing me to testify today on behalf of AB 160.

To: Judiciary Committee
Nevada State Assembly
Legislative Building
Carson City, NV 89710

From: Tamara Utzig

Date: March 10, 2003

Good morning,

My name is Tamara Utzig. I have been a domestic violence victim advocate working for non-profit shelter organizations for the past 13 years. I am currently employed by Safe Nest, a non-profit domestic violence agency in Clark County Nevada.

Through the years I have worked with 1000's of victims of domestic violence, many in highly lethal situations. I can count on one hand the number of victims I have encountered, that have opted to change their name or identity to make them safe. Although the premise sounds appealing the process of publishing the name change discounts all aspects of safety planning.

When a victim is trying to hide from an abuser, she does everything possible not to leave a paper trail.

I would like to read a letter from a victim that recently contacted me. She has been living under an assumed identity for 7 years. Because this victim has a government job and homeland security has increased, background checks are being reviewed and more closely scrutinized. Discrepancies have been discovered in her history.

This victim is more frightened of her abuser finding her than the loss of her employment.

"By Anonymous

March 4, 2002

I am a domestic violence survivor who lived in Las Vegas for five years and escaped from there in February of 1996. Since that time, in order to ensure my safety, I have been living underground with an assumed identity.

Because of the laws, I did not go through the legal channels in Nevada to change my name or identity. To do so would have placed myself in lethal danger from my abuser. If I, or any domestic violence victim, is required to publish our names in the newspaper or any public place, this means that our abusers can find us and kill us.

It is true that some abusers will not go so far as to look up their victims' names in a publication. Not every abuser is a killer. However, many of them are. One has only to look at the statistics to

see the number of women that are killed every year by their abusers to know the jeopardy that women put themselves in when they finally break free.

In my case, my abuser also has relatives who work for the Internal Revenue Service and for the Social Security Administration and is a charming sociopath who can get information from them with ease. He has been in prison for murder in the past. There is another woman who has been in hiding from him for 20 years. These are not things one knows going in to a relationship, but once you realize them escape is not an easy matter. Laws that make your escape unsafe should not be a problem that one also must face.

When I escaped, there were no laws that would have kept my name out of the public records. So, I, as I am sure many others have done, chose a route that assured my safety rather it was "legal" or not. In 1998 the Social Security Administration, at least, did recognize that domestic violence victims had a legitimate reason to change their Social Security numbers. Unfortunately, they still link the new numbers to the old numbers. Does it not make sense to also provide some degree of safety to women who legally change their names to avoid domestic abuse?

My story? Maybe not such a happy ending. I have been safe for seven years, but now with the new security climate in this country, Social Security has "found" me, although they haven't quite realized it yet. I have a lawyer, and we'll be going in to the local Social Security office soon to confess my "crime". Then we will apply to the national Social Security program for a "legal" number, and I will go for a legal name change.... and face the distinct possibility that I'll be found and tortured to death."

Next I would like to address the issue of confidentiality. Ms. Hamm is with me today to speak on this issue. I have been advocating with Ms. Hamm for the past year. We have been through the criminal justice system twice, numerous court appearances in family court on custody, visitation, child support, restraining order, and violation of restraining order issues. Most recently, I was able to accompany and support her through the mediation process.

These systems impact the most critical and intimate issues in a person's life. An advocate is there to offer support during extremely emotional times. Defusing a crisis, planning strategies regarding safety and venting frustration. A victim needs access to a professional domestic violence advocate to discuss actions and consequences, without the possibility of these conversations becoming incriminating, being used against her or jeopardizing her safety.

I thank you for listening and allowing me to testify before you today.

Tamara Utzig

March 10, 2003

My abuser, Jeff Zang, and I have been in and out of a relationship for over 15 years. He is a manipulative liar who has learned how to use the system to his advantage.

Jeff uses mental manipulation of our children to get back at me and I am very afraid for their safety and well being. He was ordered to have a psychological evaluation done before he had any visitation with them and he has never done it. He also didn't show up for scheduled mediations twice, and yet after all this he has never even gotten so much as a slap on the hand. The psychological evaluations of our children by their doctor even recommended supervised visitation. This has not happened because Donna's House insists that I be the one to pick them up afterward and my work schedule does not permit this. They will not allow my fiancé to pick them up instead.

The verbal, mental and physical abuse Jeff inflicted (?) on my son was brutal. My son tried to commit suicide three times and was in Monte Vista for one month. I have all the record showing that Jeff was the cause of his mental state. Jeff even got drunk one night and fell asleep at the wheel with my son in the car. He drove off the road over a sign and almost off a cliff up at Mt. Potosi. To this day my son, now 21 yrs. old, wants nothing to do with Jeff Zang.

I have spent a lot of time in Church trying to find a way to forgive him or even to find peace within my soul to make sure I didn't go crazy and do something stupid. I honestly believe that Jeff Zang is truly crazy and a danger to me and my children. It seems as though it doesn't matter how much evidence I supply to prove this, it's never enough.

Tammy has been a wonderful person to talk to when I had no one to confide in. Calmed me down when I got frustrated with a system that wasn't working for the victims of this case. Tammy has always been there at any time day or night. She has gone to court with me for support. She even went with me to my mediation hearings

I really appreciate the confidentiality concept since I know I can be completely honest with her and not worry about her testifying against me. Not that I have anything to worry about, but in a moment of frustration people say dumb things they don't really mean. Let me tell you this is definitely one of the most frustrating cases anyone has ever seen. That I can guarantee. I had so many things in our history I couldn't even tell my friends and family because I was afraid they would make matters worse by retaliating against Jeff. I have tried my best to keep most of this only in the court since I have children and I didn't want them involved in adult issues.

Thanks to Tammy's help and support I now have a permanent TPO in place. I go back to court on March 4, 2003. I will have the comfort of knowing that Tammy will be there by my side to help me through this very trying time for me and my children.

Sincerely,

Brenda Hamm

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EXHIBIT B

Relevant Language From The Name Change Statutes Of Other States

Arizona: Arizona's statute gives its court discretion in whether to require publication.

"A. *If* upon the filing of the application for change of name, *the court deems it proper* that notice be given, it *may* order that notice of the application be given by publication or by service upon any party interested."

A.R.S. § 12-602 (2001) (italics added)

California: California's statute creates an exemption from the requirement that the proposed new name be published for victims of domestic violence.

"(b) Where the petition for a change of name alleges that the reason for the petition is to avoid domestic violence ... the petition, the order of the court and the copy published ... shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential ..."

Deering's California Codes Annotated, Cal. Code Civ. Proc. § 1277

Colorado: Colorado's statute exempts victims of domestic violence from the publication requirement.

"(2) Public notice of such name change through publication ... shall not be required if the petitioner has been

(a) The victim of a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence"

C.R.S. § 13-15-102

New Mexico: New Mexico's statute exempts victims of domestic violence from the publication requirement.

"B. If the court finds that publication of an applicant's name change will jeopardize the applicant's personal safety, the court shall not require publication." N. M. Stat. Ann. § 40-8-2

New York: New York's statute creates an exception from the publication requirement, where publication would jeopardize an applicant's personal safety.

"If the court shall find that the publication of an applicant's change of name would jeopardize such applicant's personal safety, the provision ... requiring publication shall be waived and shall be inapplicable."

N.Y. CLS R. § 64-a.

May 1, 2003

Judiciary Committee
Nevada State Senate
Legislative Building
Carson City, NV 89710

Re: Testimony in Support of Assembly Bill 160

Members of the Judiciary Committee,

Thank you Chairman Amodei and distinguished members of the Judiciary Committee. My name is Wendy Kameda; until I retired on December 31, 2002, I was a domestic violence attorney for Clark County Legal Services Program, Inc. My position was funded through a Department of Justice Civil Legal Assistance grant to assist low-income residents of Clark County whose protection orders were being violated by their abusers. I offer this written testimony in favor of three provisions of Assembly Bill 160: Section 1, which would require that a wage assignment issue at the time child support is ordered in an Extended Order of Protection Against Domestic Violence; Section 17, which would allow a Nevada court to waive the existing publication requirement for a legal name change, under certain circumstances; and the new amendment to AB 160, which would allow an application for an extended order of protection against domestic violence and notice of hearing (to extend the temporary protection order) to be served upon an abuser's current employer, under very limited circumstances. In addition, I have attached copies of written testimony in support of AB 160 from Clark County domestic violence advocates and two victims (most of which were originally offered at the March 10, 2003 hearing on AB 160 before the Nevada State Assembly Judiciary Committee), as Exhibit A to my written testimony.

1. Modification of the Nevada Statute for Legally Changing Your Name

In 1999, the Social Security Administration articulated its policy to assist victims of family violence in obtaining new social security numbers, stating "[s]ometimes the best way to evade an abuser and reduce the risk of further violence may be to relocate and establish a new identity." SSA Publication No 05-10093, June 1999.

N.R.S. § 41.280 currently requires that an applicant for name change publish his present name and the name which he desires to bear in the future in a newspaper of general circulation in the county, once a week for 3 successive weeks.

For survivors of domestic violence, changing names may be a means of last resort to escape continued abuse or harassment. Requiring the publication of a victim's current and future name in the newspaper allows an abuser to track the victim, from county to county, and state to state. Therefore, victims are discouraged from using this process and turn to other means, including simply assuming false identities. One obvious problem with an assumed identity is that a victim who cannot provide proof of legal identity suffers difficulties or delays in receiving the very Federal and State services intended to benefit victims.

AB 160 would give Nevada judges the discretion to waive the publication requirement upon a showing that such publication would place the applicant's personal safety at risk. In enacting this provision and safeguarding the identity of such applicants, Nevada would be acting in a manner consistent with the Social Security Administration and Arizona, California, Colorado, Michigan, New Mexico, New York, and Washington, states that have considered this issue and modified their statutes accordingly. Relevant excerpts from some of these state statutes are contained in Exhibit B to my testimony.

2. Enforcement of Extended Protection Orders Containing an Award of Child Support

N.R.S. § 33.030 gives a court the authority to order a noncustodial parent to pay child support in Extended Protection Orders Against Domestic Violence. However, some abusers use court-ordered child support payments as economic leverage to continue their harassment and manipulation of victims. At present, any method available to victims to enforce a child support award after payment is not forthcoming (that is, retain an attorney or try themselves to have the noncomplying parent held in contempt, or apply for the services of the local child support enforcement agency) entails time, expense and delay. This inability to initiate quick enforcement of child support awards undermines the validity of the protection order and subjects the victim and the victim's children to untold financial and personal hardship. Oftentimes, a victim faced with the choice between compromising her personal safety and food and shelter for her children, opts to return to the abusive situation – it has been stated that the number one reason victims return to abusers is “because the rent is due.” (*The Intersection of Domestic Violence and Practice*, April 2002, Sarah J. Buel, J.D.)

AB 160, as amended, requires that a wage assignment issue at the time a child order is made; to do so it incorporates provisions from existing Nevada statutes relating to the enforcement of child support orders, specifically, chapters 31A and 125B of NRS. The result is, among other things:

1. Income assigned for child support would be sent to the State Collection and Disbursement Unit. In addition to bringing such wage assignments in compliance with Nevada and Federal laws, this maintains the confidentiality of a victim's current location, if she has fled her previous residence.
2. The Income Assignment Notice form would be consistent with the current Federal and Nevada Income Withholding Notices. In this way, an employer can easily recognize and comply with its obligations under any such assignment.
3. The amount of child support ordered would be calculated in accordance with the guidelines set by the legislature in Chapter 125B of the Nevada Revised Statutes.

In enacting AB 160, Nevada promotes public safety and the social goal of breaking the "cycle of violence." Public safety is enhanced because it eliminates the present need for a victim to seek out her abuser in order to obtain financial help in supporting their children, something potentially dangerous to the victim, law enforcement and innocent bystanders. Moreover, it can help break the cycle of violence in two ways:

- a. Children learn what they see. Research indicates that many victims and abusers experienced domestic violence in their households as children. Children who experience domestic violence and learn that a protection order may be ignored because it cannot be readily enforced, receive negative reinforcement concerning the appropriateness of violence in intimate relationships.
 - b. Speedy enforcement of protection orders by both the State and an abuser's employer provides an abuser with immediate feedback that society will not sanction violent conduct.
- 3 Allowing Law Enforcement To Serve an Application for an Extended Order of Protection and Notice of Hearing upon an Employer, in Limited Circumstances.

Oftentimes, after a violent domestic incident, an abuser will flee the common residence; thereafter the only place where a victim may know to find the abuser is where he or she works.

Chapter 33 of the Nevada Revised Statutes allows a court to issue a temporary protection order against domestic violence upon a verified application from a victim of domestic violence. However, unless the order is extended in a hearing held within 45 days after issuance, such orders expire by their own terms. The purpose of the hearing is to give the purported abuser an opportunity

to be heard by the court on the need for, and terms of, any extended protection order. In addition, it is at this hearing that the court is authorized to grant a victim additional relief, primary among which are orders granting temporary custody and child support for the children who are the issue of the applicant and the abuser.

Last year, more than 7,000 applications for protection orders were filed in Clark County. By Nevada and Federal law, the responsibility for serving the temporary orders, applications for extended orders and notices of hearing (to extend temporary orders), falls upon law enforcement – in Clark County, this is the Clark County Sheriff Civil Bureau. When the only address for service known to the victim is the abuser's employer, the Sheriff goes there to effect service. Some employers are reluctant to give the Sheriff information on where and when the abuser may be found in the workplace. While there may be a good faith rationale behind this failure to cooperate, nonetheless, the result is the lapse of otherwise necessary protection orders and enhanced danger to victims.

AB 160 attempts to fashion a reasonable compromise between an employer's need to ensure an orderly workplace and Nevada's need to prevent further acts of violence that threaten victims, law enforcement and the general public. The provision is limited, in that the Sheriff may effect service at the workplace *only* 1. if the victim does not have a current residence address for the abuser; and 2. after the Sheriff has made 2 unsuccessful attempts to personally serve the abuser at his or her current workplace. An employer who does not wish to have the Sheriff personally serving documents at the workplace, may instead take charge of delivering such documents to its employee, at a time and by a means most convenient to the employer. The provision is reasonable, in that service is not deemed complete until 10 days after mailing the confirming copies of the documents; this 10 day period within which the employer must complete delivery of the documents to its employee is consistent with Nevada law setting forth the time period in which an employer must provide other information to an employee. See, N.R.S. § 608.110.

AB 160 does not affect the requirement that an abuser must be personally served with the protection orders themselves. At present, where a temporary order is issued and entered into the statewide registry for such orders, law enforcement can confirm whether personal service of the temporary order is recorded. If law enforcement cannot confirm personal service, the officer must advise the adverse party of the existence of the protection order and its terms, as well as information on where an adverse party may go to modify/dissolve the order, and a warning that any subsequent violation of the order could subject the adverse party to arrest. If a protection order were to be extended through service allowed under this amendment, law enforcement could handle it in the same manner.

In enacting AB 160, Nevada would join those states that allow service of process to be effected by delivery to the "office" or "usual place of business" of a party (*i.e.*, California, Nebraska, New York, Oregon, Pennsylvania, Washington, and Wyoming, among others). However, unlike these other states that allow *any* civil process to be served in this manner, here Nevada would enact only a very narrowly circumscribed remedy specific to protection orders against domestic violence, to address a pressing public safety concern.

Conclusion

In my opinion, AB 160 can help answer the question "why doesn't she just leave?" By allowing a fleeing victim to obtain a legal name change without requiring her to leave an "identity trail" through publication of the name she chooses to assume, Nevada gives her the ability to escape a pursuing abuser. By helping victims of domestic violence obtain the financial wherewithal to shelter and feed their children, Nevada supports their ability to sustain a separate household, free from continued abuse. And finally, by expanding on the method of service for applications for extended protection orders and notices of hearing, Nevada supports an employer's right to decide who serves documents at the workplace and the manner in which such service occurs, while ensuring that the victim is given an opportunity to maintain the protection order that helps secure her independence.

Thank you for your consideration of my testimony.

Respectfully submitted,

Wendy R. Kameda