



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

**Testimony Before the
Assembly Committee on Family Law
on
Assembly Bill 581
October 31, 2017**

Madam Chairman and members of the committee, thank you for the opportunity to testify on Assembly Bill 581. Unfortunately domestic violence knows no bounds; it affects everyone no matter your gender, the color of your skin, your religious beliefs, your profession or your socio-economic class. This bill seeks to protect those on the front lines in the legal community helping victims of domestic abuse who may be victims themselves.

Frequently, victims of domestic abuse do not seek help because they feel embarrassment or shame for reporting abuse. Members of the legal community who are also victims of abuse may feel greater intimidation from seeking help because of the nature of a county's small, tight-knit legal community. This bill would cover court employees, victim advocates¹, attorneys and current and former law enforcement officers, the spouses of these people and those in a dating relationship² with these people.

Under current law, anyone may file for a temporary restraining order (TRO) in the county in which the person resides or the county in which the person is temporarily living.³ This bill permits members of the legal community to also file for TROs in counties within 100 miles of the county seat of the county where they live. This radius will allow victims in the legal community in large rural counties to file in nearby counties while still preserving the due process rights of the abuser.

Unfortunately there have been cases across the state, including in my own back yard of Outagamie County⁴, where we have seen someone eligible to file for a TRO in another venue

¹ Wis. Stat. 905.045 (1) (e) ("Victim advocate" means an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim.").

² Wis. Stat. 813.12 (1) (ag) ("Dating relationship" means a romantic or intimate social relationship between 2 adult individuals but "dating relationship" does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context. A court shall determine if a dating relationship existed by considering the length of the relationship, the type of the relationship, and the frequency of the interaction between the adult individuals involved in the relationship.").

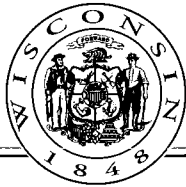
³ Wis. Stat. 801.50(5r) ("Venue of an action under s. 813.12 growing out of domestic abuse shall be in the county in which the cause of action arose, where the petitioner or the respondent resides or where the petitioner is temporarily living.").

⁴ Chung, Ariel, *Dudas sentenced to 30 years in Prison for abuse of wife*, The Post-Crescent (July 24, 2014), <http://www.postcrescent.com/story/news/local/2014/07/24/dudas-sentenced-years/13090481/>.

under this bill have fallen victim to domestic violence.⁵

This bill is a common-sense, simple reform. Those on the front lines helping victims of domestic violence should not have to feel threatened or intimidated themselves. In order to have a robust system that effectively protects victims of domestic violence and allows them to seek the legal help and protections they need we must make sure those in positions to help them are not forgotten and protected themselves. Thank you for your time. I am open to any questions.

⁵ See Garza, Jesse, *Man arrested in killing of domestic violence victim advocate*, Milwaukee Journal Sentinel (April 29, 2013), <http://archive.jsonline.com/news/wisconsin/exhusband-arrested-in-killing-of-domestic-violence-victim-advocate-859osmr-205327991.html/>; *Sawyer County clerk apparent victim of murder-suicide*, The Associated Press (July 29, 2016), <http://archive.jsonline.com/news/crime/sawyer-county-court-clerk-apparent-victim-of-murder-suicide-b99769949z1-388664431.html/>.



State Senator Sheila Harsdorf

Date: October 31st, 2017

To: Assembly Committee on Family Law

From: Senator Sheila Harsdorf

RE: Assembly Bill 581 -- relating to the venue requirement for domestic abuse, child abuse, and harassment cases

Dear Chair Rodriguez and Committee Members:

Thank you for holding a public hearing on Assembly Bill 581 which seeks to provide the opportunity for a change of venue for actions relating to domestic abuse, child abuse, and harassment when the petitioner is employed in certain professions.

While domestic violence is devastating to its victims, difficulty getting help and obtaining legal services can compound the personal trauma to an affected individual. For those individuals that work in or around the field of domestic abuse advocacy, getting help when they themselves are being victimized can create unique challenges. They can often feel uncomfortable coming forward to seek help as they escape domestic abuse given the close professional ties they may have to others in the court system.

AB 581 allows a petitioner that is a victim of domestic violence and works in domestic violence advocacy, the practice of law, or law enforcement or is the spouse of someone in these fields to be able to petition the court for a restraining order or injunction in a domestic abuse case in any county within a 100 mile radius of the county seat in which the petitioner resides.

These victims often feel a sense of embarrassment or shame coming forward to colleagues. While it can be difficult in any circumstance, this legislation attempts to make it easier for these victims to come forward and get the help they need.

I urge your support and prompt action on this legislation. Thank you! I welcome the opportunity to answer any questions you may have.



Date: October 31, 2017

To: Members of the Committee on Family Law

From: Representative Crowley

Re: Testimony regarding Assembly Bill 581 – Amendment relating to venue requirements for child abuse, domestic abuse, and harassment cases

I'm grateful to Chairwoman Rodriguez and members of the committee for the opportunity to communicate my support for Assembly Bill 581, which I co-authored with Representative Ron W. Tusler. I'd also like to thank Senator Sheila Harsdorf and Senator LaTonya Johnson for helping move this important legislation forward.

As a member and former chair of the Milwaukee Chapter of the ACLU, I know how important it is to have access to the courts to defend individual rights. Anything that impedes or dissuades a person from attempting to take legal action inhibits justice from being served. Access to justice is essential to a functioning society. AB 581 will remove obstacles that prevent victims of abuse from using the courts to protect them from harm.

2016 was the worst year for domestic violence homicides in Wisconsin since 2000, the year End Domestic Abuse WI started tracking deaths due to domestic abuse. Nearly 60 individuals were killed by domestic violence. Similarly, simple assaults and aggravated assaults—the FBI Uniform Crime Reporting categories into which non-fatal domestic violence incidents fall—have increased in Wisconsin over the past two years. This is why we must do all that we can to make sure victims of domestic violence can feel safe to come forward when these instances occur.

AB 581 will reduce unreported domestic violence incidents by giving certain classes of victims—who may be more reluctant to take legal action due to the nature of their or their spouse's work—flexibility in where they can file for a temporary restraining order (TRO) or injunction. Currently, a TRO or injunction for domestic abuse must be filed in the county where the abuse occurred, where the petitioner or respondent resides, or where the petitioner is temporarily living. For child abuse, the TRO or injunction must be filed where the abuse occurred or where the respondent resides.

AB 581 would allow victims or parents of victims who work as a victim's advocates, employees of county court systems, legal professionals practicing law, former or current law enforcement officers, or are dating or married to a member of one of these occupations to file for a TRO or injunction related to domestic abuse, child abuse, or harassment in any county within a 100 miles



of where the petitioner resides or is temporarily living. Members of these professions are often reluctant to file for TROs or injunctions in the jurisdictions they are active in. Even though they are victims of despicable abuse, they still face potential embarrassment or harassment by exposing their domestic issues to their professional peers. As a result, these victims may put off getting legal assistance, placing them at risk of another incident, possibly worse than the last. AB 581 will remove the cause of victims' internal struggle between seeking justice and self-consciousness.

This is a simple step to combat a growing problem, and has few downsides. I thank you for your time and consideration, and look forward to working with you to move this bill forward and protect victims of domestic abuse.

Sincerely,

David C. Crowley
State Assembly Representative
17th Assembly District