

SPECIAL POINTS OF INTEREST:

- **ASC Reverses Findings**
- **Funding Cuts affect the LAP**
- **Rebirth of the Legal Advocate Teleconference**
- **CLE Save the Date!**

Alaska Supreme Court Reverses Court of Appeals “Indirect Contact” Findings

By: *Christine McLeod Pate*

As you may remember, the LAP wrote an amicus brief in a case called *Pastos v. State* in the spring of 2007. In the case the petitioner obtained a protection order against Pastos. The state then brought a complaint alleging 52 counts of unlawful contact in the first degree because of emails Pastos sent to the petitioner in violation of the

protection order. Pastos eventually pled out to four counts. At the sentencing hearing, the petitioner gave a victim impact statement, speaking of the numerous and severe detrimental effects that Pastos’ behavior had had on her life. She mentioned a check that she had written to Pastos for some work that he had done for her and that he had not cashed it. At the end of the hearing, the trial court judge

admonished Pastos not to have any contact at all with the petitioner, directly or indirectly. The very next day, Pastos went out and cashed the check that she had mentioned in her victim impact statement and the state charged him with a violation of his conditions of his bail release. The trial court convicted him of this crime and Pastos appealed.

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Economy Takes Toll on Domestic Violence Victims

From The National Network to End Domestic Violence

The ripple effect of an economic crisis takes its toll on each and every American. This is particularly true for victims of domestic violence who are seeking help to rebuild lives that have been shattered by an abuser. At a time when more and more victims are reaching out for support and services, domestic violence programs throughout the country are struggling to meet the increasing requests for help.

During stressful economic times, there is always a significant upswing in requests for services by victims. This includes increased crisis calls to hotlines, and requests for shelter, counseling, legal services, transitional housing and services for children. Victims of domestic violence often experience escalations of abuse by their partners as economic stresses increase. Rhode Island, for example, has recently seen a 25% increase in felony-level domestic violence crimes.

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"The Supreme Court held that negotiating a check when the court directs you to have no contact with the victim does not violate the no contact provision."

Indirect Contact

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On May 18th, 2007 the Court of Appeals affirmed the trial court's conviction. They found that since Pastos cashed the check with the knowledge that his action would, in all probability, cause the victim emotional distress and fear, it constituted prohibited "indirect contact." The Court's opinion stressed that the check's negotiation was a violation of the conditions of release based on the egregious facts of this case and the trial court's clear findings of the

deleterious impact that this had on the victim.

Unfortunately, on October 24th of this year, the Alaska Supreme Court reversed the Court of Appeals decision in *Pastos v. State*. The Supreme Court held that negotiating a check when the court directs you to have no contact with the victim does not violate the no contact provision. The Court stated that there is no definition of "contact" in the domestic violence statute and went ahead to adopt the *Cooper v. Cooper* definition of violating a no contact order which states

that 1. Communication must occur and 2. The alleged violator must know of a substantial probability that communication will occur as a result of a given act. The Court found that cashing the check was not communication and that Pastos lacked information that cashing the check violated the terms of the no contact order.



What Funding Cuts Look Like

A Fiscal Year 2008 Overview by NNEDV

- A 6% cut was applied to all Congress's FY '08 budget for Department of Justice programs which include most VAWA programs and VOCA.
- Cuts to the VOCA Fund cap:
 - \$35 million cut from VOCA Fund Cap
 - Further administrative cuts could reduce the VOCA Fund cap by an additional \$30 to \$40 million.
- Cuts to VAWA programs:
 - \$2.1 million cut to Legal Assistance for Victims
 - \$3.2 million cut to Grants to Encourage Arrest
- A 1.74% rescission was applied to all Labor, Health and Human Services programs which include some VAWA programs:
 - \$2.1 million cut to Family Violence Prevention Services Act (FVPSA)
 - \$52,000 cut from the National Domestic Violence Hotline.

Economy

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Domestic violence programs and shelters play a critical role in helping victims find safety and refuge from violence in the home. They are a safe haven for millions of families who have no other place to go when their lives are in danger. But the current reality of our nation's economy has severely affected domestic violence programs and shelters—forcing draconian cuts in services and staff lay-offs at a time when more victims are coming forward for assistance. For the first time in decades, many shelters may have to close their doors by year's end.

Domestic violence programs and shelters are being affected by a trio of economic factors – cuts in federal funding, increased demands for services and decreased private donations as so many Americans lose their jobs or see a downturn in their personal finances. As all Americans share in the effects of the recent crash of the housing market and total meltdown of Wall Street, times of economic downturn disproportionately affect battered women and the programs they turn to for help.

In 2007, the National Network to End Domestic Violence conducted its second annual 24-hour census of domestic violence shelters and programs across the nation. The Census report found that in one day, more than 53,000 women, men and children received services from local domestic violence programs. Over 25,000 of those individuals, of which more than 50% were children, found refuge in emergency shelters or transitional housing.

Yet tragically, on that same day more than 7,700 victims that

sought services from their local domestic violence programs were not served because the programs didn't have enough funding and resources. And this was the situation in communities throughout the country before the current economic crisis.

Even more shocking is the ongoing prevalence of domestic violence in the United States. The number of domestic violence victims is staggering: one in four women will be affected in her lifetime; 15.5 million children will witness abuse against their mothers; three women, on average, are murdered each day by their abusers; and the cost to taxpayers is an astounding \$5.8 billion annually. The need for sufficient funding for domestic violence programs and shelters cannot be ignored or overstated, given the dangerous and potentially lethal nature of many of the victims' circumstances.

However, in 2008, the major federal domestic violence program and shelter funding source, the Family Violence Prevention and Services Act (FVPSA), had its budget slashed by \$2.1 million dollars. As a result, local domestic violence programs and shelters, already running on shoe-string budgets, simply cannot provide life saving services to all victims in need.

In addition, the Victims of Crime Act (VOCA), a federal grant program funded entirely by fines and penalties paid by offenders and does not include any taxpayer dollars, has been capped by Congress. VOCA grants are key funding sources for programs that directly assist victims. Across the country, thousands of community programs rely on VOCA funding to serve more than 4 million victims of domestic violence, sexual assault and other crimes. In the last year, the VOCA cap has been cut by \$35 million; therefore,

VOCA assistance grants are \$107 million less than they were two years ago.

In order to provide domestic violence programs with the resources they need to adequately serve all victims of domestic violence, it is vital that both FVPSA and VOCA funding levels are increased. Without higher levels of funding, domestic violence programs across the country will continue to struggle to serve victims in their communities.

In Alaska 19 victim service programs in 18 Alaskan communities, which collectively serve 235 towns and villages throughout the state will soon be forced to make painful decisions in regard to the number of hours they can remain open and the staff that may be required to work fewer hours. Fuel and utilities costs have skyrocketed and health insurance costs are literally off the charts. This tragic situation comes at a time when demand for services is at an all time high. Consider that in 2007, these programs provided over 340,000 services to victims of domestic violence and their children!!

As the nation recognizes October as National Domestic Violence Awareness Month, all Americans have a role to play to ensure that adequate funding is available so that domestic violence victims' calls for life-saving help are answered. This is a crisis that affects each of us—our friends, our neighbors, our families. It is time for us to join together and to take action. Together we can ensure that every battered woman and her children, in every community in our country, can find a safe refuge, someone to call for help, and the ability to live free of violence and abuse.



Funding Issues Reach the LAP

Victims of domestic violence and sexual assault, and advocates continue to identify the need for legal advocacy and legal representation as a top priority for victim services in Alaska. Legal services help victims with practical matters such as protective orders, custody, and child support thereby presenting them with real, long-term options to enhance safety and hold batterers accountable. As the only legal assistance program in the state that focuses exclusively on serving the civil legal needs of domestic violence and sexual assault victims, the ANDVSA Pro Bono Program is an important part of working towards safety and justice for Alaskan families.

In the ten years since its inception, the ANDVSA Pro Bono Program has successfully assisted over 60% of the nearly 2,000 cases referred. Nearly 300 volunteer attorneys have donated over two million dollars worth of legal assistance to families whose lives have been impacted by violence.

Earlier this year, the Legal Assistance for Victims (LAV) grant funding the ANDVSA Pro Bono Program was reduced by half. This will significantly impact our ability

to help Alaskan families if this funding is not restored. The ANDVSA Pro Bono Program is one of only two legal assistance programs in the state that provides free legal representation with divorce, child custody, child support and protective orders to low income families impacted by domestic violence or sexual assault.

In October, ANDVSA Pro Bono Program staff began working on a fundraising initiative, the Legal Advocacy Fundraising Project, with the goal to raise funds to continue to provide free legal assistance to victims and their families with the loss in federal funding. The initiative is especially important in view of the NNEDV's recent reports on the effects of decreased funding for dv/sa programs during the current financial crisis. (Refer to 'Economy' article in Newsletter for reader)

As American journalist Henry Louis Mencken said, "If you want peace, work for justice." Please help the Pro Bono Program continue to provide free legal services to Alaskan families in need.

LEGAL ADVOCACY
FUNDRAISING PROJECT



If you want Peace, work for Justice

Please donate now to the Legal Advocacy Project

www.andvsa.org

LAP Staff Plans New Teleconferences

LAP staff are excited to offer new teleconference trainings for council funded and member program staff over the next year. We held the first of four teleconferences in December and will continue every two months from then on. Topics for the meetings include Violent Crimes Compensation Board, Sexual Assault of Minor Laws, Federal DV Laws, and Full Faith and Credit. Because there have been technical issues with the Raindance software, we plan to revamp the way teleconferences are held. Rather than relying on Raindance, we will mail or email discussion materials in advance so that those listening in can follow along on their own.

What did you think of the first teleconference? Please contact us to comment on our training schedule, give us

ideas for topics, or pose any other questions or issues you want addressed in training. Emails and calls can be directed to our VISTA Project Coordinator, Lindsee Acton at lacton@andvsa.org or at 586-6563. Thanks! We look forward to providing more upcoming trainings.

*Join us on
Monday, January 26th at 10:00 a.m.
for the second in a series of
teleconference trainings.
This one will feature a discussion of
Sexual Assault of Minor Laws
with Teresa Foster from
the Department of Law*

LAP Says Goodbye to Old Staff and Hello to New

The LAP has seen some changes in the faces of its staff members in the last few months. Both Lora Browne, former VISTA Project Coordinator and Andrea Browning, former LAP Project Coordinator have left the Network to pursue other interests. We thank them both for their dedication to the mission of the Network and wish them all the best in their future endeavors.

But all is not sad, as we welcomed two new staff

members to fill our open positions. Grace Danborn, ANDVSA's former Policy Research Associate, joined the Legal Advocacy Project in July as Rural DV Project Coordinator. Prior to joining the Network, Grace was lucky enough to work as the Jesuit Volunteer at AWARE and as the TAAV coordinator at TWC.

Lindsee Acton came on to fill the vacant VISTA position. Lindsee is a recent graduate of



Grace and Lindsee.

the University of Kansas where she earned Bachelor of Arts Degrees in Women's Studies and American Studies. Lindsee spent her college years volunteering at a DV shelter in Kansas and is excited to have the opportunity to learn more about the movement from an administrative perspective.

ANDVSA Information and Referral Hotline Winter 2008-2009 Dates

Call toll-free 1-888-988-3725

December 9
December 30
January 13
January 27
February 10
February 24

Tuesdays between 5 p.m. and 7 p.m.

WHO SHOULD CALL?

Victims of domestic violence and sexual assault who want basic information about their legal rights and options and referral information from an attorney.

WHAT TYPES OF QUESTIONS CAN THE HOTLINE ATTORNEY ANSWER?

General questions about many areas of the law, including family and criminal law.

WHO WILL BE ANSWERING THE LINE?

An ANDVSA Pro Bono Program Volunteer Attorney

PLEASE NOTE: The hotline attorney WILL NOT be representing clients, but rather providing brief legal education to callers and possible referral to other legal and social service providers.

ANDVSA Biennial Conference 2008

In addition to funding one representative from each program to attend the conference, the Rural DV Grant brought Sujata Warriar, Ph.D., of New York, to present on cultural competency and working with diverse communities at ANDVSA's 2008 Biennial Conference this past September in Girdwood. Dr. Warriar is the Director of New York State Office for the Prevention of Domestic Violence. She trains and provides technical assistance to professionals in various systems such as health care, law enforcement,

criminal and civil justice and human and social services on the issue of domestic violence.

Dr. Warriar also provided training to interpreters through the Alaska Language Interpreter Center. Understanding cultural differences is critical to providing professional and quality interpreter services to victims of domestic violence and sexual assault. We heard many positive reviews from participants on Dr. Warriar's presentations and we thank her for attendance and participation in Biennial 2008.



The Alaska Immigration Justice Project and You!

Do you need an interpreter? The Rural DV Grant funding will pay for ANDVSA member programs needing to use an interpreter through the Alaska Immigration Justice Project (AIJP)'s Language Interpreter Center. To utilize this service, just make sure your program has a signed Memorandum of Understanding (MOU) on file with the LIC. Although this service is not yet available around the clock, programs can make appointments (for a minimum of two hours) to have interpreters provide translation by phone. If you have questions about how to

access this amazing resource, please contact Grace at 907-586-6560.

Finally, thanks to those programs who submitted proposals for Rural DV Grant funding to reduce barriers to accessing shelter services and legal resources for immigrant women. Funds will become available in January of 2009. We're excited to begin working with you!



Save The Date!

The 2009 LAP
CLE Conference
will be
February 16th and 17th

Look for registration materials in the mail after the holidays

We hope to see you all there!

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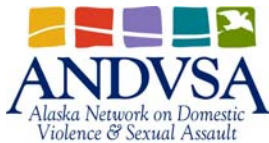
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