

## WOMEN'S ISSUES

### Recent Activity

In 2016 the legislature finally passed Paid Family Leave Insurance in New York State. After years of lobbying for this issue, the League was very happy to finally see the bill included in the 2016-2017 budget. The legislation would allow for up to 12 weeks of paid leave in the event of a pregnancy, sick family member, or to relieve pressure when a family member is called to military service. The law will be slowly implemented beginning in 2018.

The League also worked with Family Planning Advocates on lobbying for the Contraceptive Coverage Act. The bill would require insurance providers in New York State to cover all forms of contraceptives including vasectomies, hormone implants, birth control pills and IUDs. The bill would also allow doctors to issue 12 months of birth control rather than 1 to 3 month allotments. The bill passed in the Assembly but was not considered in the Senate.

On the first day of the 2015 legislative session the Senate passed 9 of the separate bills of the WEA, omitting the Reproductive Services Act (RSA). The Assembly agreed to break the Women's Equality Act into its component pieces of legislation, enabling the passage of 8 of the bills the Senate had approved (the order of protection piece had passed in 2014 in another bill).

The League worked with the Women's Equality Coalition to push for passage of the full WEA package but the Senate refused to pass the RSA, claiming it would increase the number of women seeking abortions. That bill actually ensures our state laws regulating abortion comply with the U.S. Constitution (as interpreted in *Roe v. Wade*) and will likely be reintroduced next legislative session.

### **Past League Activity**

In his January 2013 State of the State, Governor Cuomo introduced his 10-point Women's Equality Agenda, later the Women's Equality Act (WEA), which aimed to break down barriers and promote fairness and equity for women across various aspects of their lives, including health, work, and safety. For details of the specific provisions included in the 10-point plan, please see the *Public Policy on Reproductive Choices, Employment, Equality of Opportunity, Human Trafficking, Pay Equity, and Domestic Violence* sections.

Following the State of the State, LWVNY joined the NY Women's Equality Coalition to lobby for passage of Governor Cuomo's 10-point Women's Equality Agenda/Act (WEA). The League lobbied extensively for passage of the WEA. League members throughout the state participated in rallies and press conferences and visited, called, and wrote lawmakers. On Thursday, June 20, the Assembly passed the entire 10-point WEA (A8070). In the Senate, the Independent Democratic Conference (IDC)/Republican ruling coalition refused to bring the full WEA, which included a reproductive health provision that would codify *Roe v. Wade* into state law, to the Senate floor for a vote, instead opting to break down the provisions into separate bills. On Friday, June 21, Senate Co-Leader and IDC conference leader, Senator Klein, introduced the reproductive health provision as a hostile amendment to S4174, a bill about medical records. After a debate about abortion, all Republican Senators and two Democrats voted that the

amendment was not germane to the bill (32-30). Following the hostile amendment maneuver, the remaining nine points of the Women's Equality Act were each introduced in the Senate as separate bills, debated, and passed. The Assembly refused to consider the separate bills before adjourning on Friday evening. Consequently, the WEA was not passed during the regular 2013 legislative session because there was no "same as" bill in either house.

LWVNYS and 47 of our local Leagues remained signed on as supporters of the Women's Equality Act in the 2014 legislative session. Once again, the Assembly has passed the entire WEA. We called on the Senate to pass the Assembly's omnibus bill (A.8070). The League, with its coalition partners, continued to advocate for passage of the entire WEA in the 2014 session, but to no avail. The session concluded with no progress on these issues.

### **WOMEN AND THE LAW**

The 1979 LWVNYS Convention adopted a study, Women and the Law, which focused on some of the laws in New York State that affect women. Because of the complexity of the issues, the study was divided into two parts: (1) marriage and divorce; and (2) child custody, insurance, pensions and credit.

#### **WOMEN AND THE LAW**

##### **Statement of Position**

**As announced by the State Board, March 1981**

**The LWVNYS believes that marriage is an equal economic partnership. Marital property (property acquired during a marriage) is presumed to belong equally to each spouse. Separate property (as defined in the Equitable Distribution Law {EDL}) remains separate.**

**During an ongoing marriage, each partner is entitled to participate equally in decisions with regard to marital property, e.g., to spend, to bequeath, to use as a basis for credit.**

**Couples wishing to end their marriage should be able to divorce by mutual agreement following a waiting period. Fault grounds should be retained as an option for the blameless spouse because proof of fault on the part of one spouse may influence a more favorable settlement for the blameless spouse. This part of the League position is not applicable as fault is not a criterion considered under the EDL for marital property distribution.**

**In distribution of marital property at divorce, the presumption of equality should prevail. If adjustment is required, the criteria in the EDL should be used.**

**WOMEN AND THE LAW**  
**Statement of Position**  
**As announced by the State Board, March 1981 (continued)**

**With regard to maintenance (alimony), the League supports measures to achieve a standard of living as nearly equal as possible for each spouse. Recognition should be given to the contribution of each spouse (as breadwinner and/or homemaker) and to loss of potential earning power by the spouse who had stayed at home during the marriage. Maintenance (alimony) should be awarded according to the criteria in the EDL.**

**The League supports stronger measures to achieve prompt payment of child support and/or maintenance (alimony) payments. However, neither support payments nor visitation rights should be used as enforcement measures. It should not be possible to withhold support payments because visitation has been withheld nor should the reverse be true. Children should not be used as reward or punishment in adult battles.**

**In laws governing intestacy (dying without a will), the League supports measures to incorporate the principle of marital property so that one-half of the marital property is recognized as belonging to the surviving spouse and therefore not part of the estate. The remainder of the estate should be divided in such a way that the surviving spouse would receive more than the one-third of the estate presently allotted by law.**

**Recent League Activity**

Following Senate passage on June 15 and Assembly passage on July 1, on August 15, 2010, Governor David Paterson signed no fault divorce into law in New York State, making it the last state to adopt no fault divorce.

**Past League Activity**

**Divorce**

In 1990, a major divorce reform bill was introduced that provided equal economic distribution, permanent maintenance, and no fault divorce as a cause. The League supported this legislation as it provided for the needs of women and children on a more equal basis. After much debate, this bill failed to be reported out of committee. In 1991 legislation was introduced that would offer greater financial remuneration to surviving spouses. Despite League lobbying efforts, no action was taken in the legislature.

Between the early 1990s and 2006, no legislation was introduced to deal with divorce reform. However, in 2006 the Women's Bar Association of New York State study on no-fault divorce renewed debate of this issue in the legislature. In 2007, the Assembly Judiciary Committee introduced a draft study bill on no-fault divorce. The New York State Board Association, Women's Bar Association of New York State, and several women's organizations, including the

League, began informal coalition round table meetings to educate and discuss further refining no-fault divorce legislation.

Each year since 1982, legislation to ensure equal rather than equitable distribution of marital property has been introduced in the state Assembly. Again, in the 1995 legislative session, the LWVNYS supported an equal distribution bill, which passed the Assembly but was not taken up by the Senate. Responding to 1995 LWVNYS convention delegates, support was given to legislation that would provide that attorney fees for the nonmonied spouse be awarded. Passage in the Assembly was achieved, but the bill was not taken up in the Senate. Each legislative year, passage of this legislation by the Assembly is pro forma, but there continues to be no action by the state Senate.

### **Child Support**

In the 1998 legislative session, the state League supported legislation sponsored by Senator Saland that established an expedited procedure for obtaining child support orders. The LWVNYS has long supported stronger measures to achieve the prompt payment of child support believing the most effective way to do this is to streamline the process. Unfortunately at the end of the 1998 legislative session, this legislation was caught in a political battle. That battle continues. The League will continue to champion this initiative.

In 1999, another measure was introduced by Governor Pataki and the Office of Child Support and Enforcement that contained the excellent provision of increasing the pass through from \$50 to \$100 to welfare recipients. Currently, the state government offers a \$50 pass through to encourage cooperation from non-custodial parents to make child support payments when their families are on public assistance. Families on public assistance are allowed to keep the first \$50 of the child support money thus increasing their monthly income. The rest of the money goes to the government to compensate for public assistance payments. The pass through encourages Mothers to identify the fathers of their children while fathers are encouraged to make payments when they directly benefit their children. Raising the pass through will increase this cooperation.

This initiative, too, was caught in a political battle between the Assembly and the governor's office.

### **CHILD SUPPORT/CUSTODY**

**The items in this position statement were the second part of the Study: Women and the Law, and although titled Child Support/Custody, this is a misnomer. Child Support was included in the first part of the study position announced above (March, 1981). This position statement was announced June, 1981 and deals with Custody of Children, Insurance, Pensions and Credit.**

**CHILD SUPPORT/CUSTODY**  
**Statement of Positions**  
**As announced by the State Board, June 1981**

**CUSTODY OF CHILDREN**

In determining the custody of minor children, the League opposes the presumption of joint custody. We believe that the best interests of the child should be the primary consideration; joint custody is, certainly, one option.

The best interests of the child should include the following considerations:

- 1) principal care giver—the parent who has borne the primary responsibility for caring for the child;
- 2) degree of interest shown in the child by each parent; and
- 3) preference of the child (maturity of the child is to be taken into consideration).

**INSURANCE**

The League of Women Voters believes that gender should be eliminated from the factors that are used to set insurance rates and benefits. The use of gender penalizes women unfairly most often, but in a few cases penalizes men. We do not object to the use of other factors, which are gender-neutral such as age, occupation, personal health and accident history, smoking, etc.

Dependent spouses who lose their insurance coverage through the loss of a wage earner by death or divorce should be able to convert the wage earner's accident and health insurance contracts to their own without increase of premium or loss of coverage.

We also believe that disability insurance should be available to homemakers at reasonable rates, so that they will receive income when they are injured and cannot perform their household duties.

**PENSIONS**

The League believes that gender should not be used as a criterion in establishing pension rates and benefits. We recognize there are problems with pensions that are created by different typical work patterns of men and women. Changes are needed in eligibility for pensions benefits, and consideration should be given to earlier pension eligibility and shorter vesting periods.

Also, allowance should be made for breaks in service for child-rearing, just as for military service, and accrued pension credits must be protected so that vested interest is not lost.

All pension plans should provide automatically for survivor's benefits. The worker can waive the survivor provision, but the spouse must be notified and give written acceptance of this waiver.

**CHILD SUPPORT/CUSTODY**  
**Statement of Positions**  
**As announced by the State Board, June 1981 (continued)**

**CREDIT**

**In accordance with our position which holds marriage to be an equal economic partnership with marital property belonging to each spouse, the League believes that credit should be extended to homemakers based on marital property (which includes spouse's income) as well as on a homemaker's own separate property.**

**Recent League History**

LWVNY continues to monitor legislative and regulatory actions for opportunities to advance these positions and to prevent backward steps on goals already accomplished.

**Past League History**

**Custody of Children**

Since the 1982 legislative session, the League has lobbied successfully to prevent the passage of legislation that requires a presumption of joint custody in determining custody for minor children. In 1996 and 1997, League testimony opposing the presumption of joint custody (shared parenting) was given at Senate and Assembly sponsored hearings. The League also lobbied successfully to prevent pensions from being excluded from the Equitable Distribution Law.

In the 1994 and 1995 legislative sessions, the League supported legislation to require courts to consider evidence of domestic violence in child custody proceedings. In both years, the bill was passed in the Assembly but not taken up by the Senate. After three years of League lobbying, in 1996 legislation was signed into law requiring state Family Court judges to consider domestic violence as a factor in child custody cases. At the very end of the 2000 session, legislation was introduced changing the term "joint-custody" to "shared custody." This was an effort by the Father's Rights Organization to make the joint custody legislation more "legislator friendly." The League lobbied extensively with Children and Family Committee members and the bill was held late in the committee during that session. No action was taken in the 2001 session.

During the 2002-2003 sessions the League lobbied behind the scenes to hold "joint custody" legislation in the Assembly Children and Families Committee. Joint custody legislation has not been brought up in the State Senate.

Each session that involves an election year, the issue of shared custody becomes controversial legislation. In 2006, the Father's Rights Organization used a familiar tactic to them, of threatening members of the Assembly Children and Families Committee. The League, again working deep behind the scenes to protect the League, was able to hold this legislation in committee by a vote of 15-1. Both democrats and republicans received death threats following

their committee vote. It is anticipated that as long as the Father's Rights Organization continues this type of advocacy legislators will be adverse to addressing shared custody.

### **Insurance, Pensions and Credit**

In 1982, the League supported, successfully, the passage of an amendment to the New York Civil Rights Law to include gender in the kinds of discrimination that are prohibited.

### **PAY EQUITY**

The League has long supported the passage of legislation that would implement a state policy of compensating employees equally for work of comparable value. Job titles disproportionately held by women and people of color have traditionally been undervalued and paid less than comparable job titles with the same level of skill and responsibility as judged by gender neutral job evaluation systems commonly used by employers.

The vast majority of workers are employed in the private sector where salaries can be kept secret and employees can be fired for sharing salary information. Without salary information, it is impossible for private sector employees to know whether they are being paid equally for equal work.

**EMPLOYMENT IN NEW YORK STATE**  
**Statement of Position**  
**As announced by the State Board, November 1982**

**The League of Women Voters of New York State supports state policies for both public and private sectors of employment to ensure equal pay for equal work and equally evaluated jobs, to encourage affirmative action in hiring and promotion practices and to eliminate sexual harassment.**

**To achieve equal access and opportunity of employment for women throughout New York State, the League believes it is necessary to educate the public about existing laws and procedures, to improve the enforcement of laws and to fund these efforts adequately.**

**The League of Women Voters of New York State supports state legislation and regulations that will establish greater equity in wage compensation for comparable jobs. Comparable worth of jobs should be determined by gender-neutral criteria such as responsibility, effort, skill, education and experience required, and the working conditions.**

### **Recent League Activity**

In 2016, the League worked with PowHER NY on legislation that would force companies receiving state contracts to disclose wages for all employees. The bill titled “Equal Pay Disclosure With Respect To State Contracts” was aimed at ensuring companies receiving state funds were paying minority groups and women equal wages to their white male colleagues. The League participated in a social media campaign and signed onto a joint memo of support. The bill passed in the Assembly but was not considered by the Senate.

In 2015, on the very first day of session, the Senate passed S.1 (Savino) making equal pay for equal work (for people in the same job title) more enforceable by protecting workers from retaliation if they discuss their compensation with other employees and by increasing liquidated damages to 300% and also tightening the definitions so that it is harder for employers to defend differential compensation. This bill was one of the ones negotiated by Governor Andrew Cuomo as a part of the Women’s Equality Agenda. On April 27 the Assembly passed A.6075 (Titus) the bill that is the same as S.1. The governor is expected to sign this and other Women’s Equality bills.

Also on April 27<sup>th</sup> the Assembly passed a package of equal pay for job titles of comparable worth pay-equity bills that would cover only employees of the state (A.0437, Rosenthal), or of all public employers (A.01574, Jaffee) or of private and public employers (The NYS Fair Pay Act A.06397, Titus) or require a study of the extent of inequity between job titles and of the cost of making corrections (A.5088, Lifton). The League issued memos of support for all of these bills but the Senate did not take up any of them.

The League was invited to participate in a Roundtable discussion about Equal Pay and Pay Equity that was organized by the Assembly Standing Committee on Labor and the Assembly Task Force on Women’s Issues on April 27, 2015, the same day that the Assembly passed the package of pay equity bills. The League and other Women’s Equality Coalition participants met with experts from Cornell University who shared new research on pay disparities.

The League will continue to support legislation that advances pay equity, and other issues that enable women to be equal participants in the workforce.

### **Past League Activity**

In 2014 LWVNY issued memos of support for the three comparable worth pay equity bills, The NYS Fair Pay Act [A05958 (Heastie), S01491 (Krueger)]; A01729A (Jaffee); and

A00753A (Rosenthal), S01871A (Montgomery) but these bills weren’t acted on by the Legislature which saw them as conflicting with the equal pay provisions of the Women’s Equality Act (which the Assembly passed in its entirety, but the Senate did not pass). The equal pay section of the Women’s Equality Act would prohibit employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected in the private sector. This would not “Achieve Pay Equity” but would facilitate that objective in the private sector and be an important move toward ending discrimination against traditionally female job titles that have been underpaid for centuries and

will continue to be underpaid until equal pay for job titles of comparable worth legislation is in place.

Also in 2014, LWVNY concentrated on building grassroots support for fair pay by participating with other members of the Women's Equality Coalition to have localities issue Proclamations in support of Fair Pay, and to generate letters to the editor on the subject for Equal Pay Day 2014. Leagues succeeded in securing 10 Proclamations, at least 8 letters to the editor, and a great number of Facebook photo posts.

In April of 2011, the Assembly passed the package of pay equity bills as it has done every year since the turn of the century (2000). But before the bills were passed the Republican Assembly members grilled each sponsor with questions which they deemed unanswerable in an attempt to make the sponsors and the issue look foolish. In response the Assembly Democrats held a press conference so that the sponsor of each bill could explain the issue. An outgrowth of this was that Assemblymember Rosenthal appeared on a television news program concerning pay equity.

December 12, 2011, the Assembly Standing Committees on Labor; Governmental Employees; Governmental Operations; Oversight, Analysis and Investigation; and the Assembly Task Force on Women's Issues held PUBLIC HEARING on PAY EQUITY. The PURPOSE statement for the hearing reads: "Almost 50 years after the passage of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act, women and minorities continue to suffer the consequences of unequal pay. This hearing will examine wage disparities that continue to exist in New York State and discuss ways to eliminate discriminatory practices."

Seventeen testimonies were submitted from individuals and organizations such as the Cornell University Institute for Compensation Studies, the State Bar Association, Hunter College, the YWCA, the Equal Pay Coalition of NYC, the New York State United Teachers, Local 1180 of the Communication Workers of America, the Work and Family Legal Center and the Institute for Women's Policy Research. All of the testimonies spoke in favor of the pay equity reform, except the one from the Business Council. LWVNY submitted testimony as did the New York Pay Equity Coalition (NYSPEC), the Coalition that we work through on this issue. Following the hearing NYSPEC provided technical assistance to Assembly central staff as they revised their package of pay equity bills and introduced and passed them in the 2012 session.

Democratic Women Senators held a roundtable discussion of the Economic Issues facing Women in NY on May 15<sup>th</sup>, 2012. LWVNY and NYSPEC participated in the discussion, providing information about pay equity, but the discussion was broader, also addressing pregnancy and family status discrimination, reproductive health, domestic violence, human trafficking, etc.

In his January 2013 State of the State, Governor Cuomo introduced his Women's Equality Agenda, which included under the topic of "Achieve Pay Equity" prohibiting employers from terminating or retaliating against employees who share wage information, a practice that enables wage disparities to persist undetected." This section also indicated that current NYS law would be amended to "ensure that women receive the wages they were always entitled to, as well as provide for an additional amount of liquidated damages equal to 300% of the back wages due."

Subsequently, LWVNY joined the NY Women's Equality Coalition to work for the principles included in the governor's Women's Equality Agenda (of the 10 points we have positions supporting nine of them).

On the next to the last day of the regularly scheduled Legislative session the Assembly passed A8070 (the omnibus 10 point Women's Equality Act) and the next day (since the Senate Leadership refused to introduce the omnibus bill) the Senate introduced and passed unanimously nine of the points (but not the reproductive choice piece). One of the nine separate bills was S.5872 (Savino) which includes the equal pay provisions described above. The Assembly adjourned without passing any of the individual bills, so there is no "same as" bill to be signed by the Governor.

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Also in 2014, LWVNY concentrated on building grassroots support for fair pay by participating with other members of the Women's Equality Coalition to have localities issue Proclamations in support of Fair Pay, and to generate letters to the editor on the subject for Equal Pay Day 2014. Leagues succeeded in securing 10 Proclamations, at least 8 letters to the editor, and a great number of Facebook photo posts. (Page down to Proclamations and Photos for the details).

In addition to lobbying for the Women's Equality Agenda LWVNY and NYSPEC will continue to advocate for comparable worth legislation.

Twenty-five years ago, in the spring of 1985 the League became a member of the New York State Committee for Pay Equity, which worked to further the principle of equal pay for jobs of comparable worth and to close the gap of wage discrimination. The state agreed in 1986 to a one-time-only funding pool to cover pay equity adjustment for state employees. The set-asides represented one percent of the gross payroll in 1986-87 and 1987-88.

In the absence of legislation, however, there has been no reexamination of pay equity for those in state service and no extension of pay equity to all those in the private and broader public sector including cities, counties, and school districts.

**Pay equity bills have consistently passed the State Assembly since 1998.** The League is a key member of the New York State Pay Equity Coalition (NYSPEC), which includes Women on the

Job, American Association of University Women (AAUW), National Organization for Women (NOW), New York Women, New York Women's Agenda, New York State United Teachers (NYSUT), United University Professors (UUP), United Public Service Employees Union (UPSEU), Service Employees International Union (SEIU) and District Council 37. This coalition has played an important role in pushing for legislative passage of pay equity reform. Despite the fact that the pay equity bills are consistently passed by the Assembly these bills have been stalled in the Senate.

In October of 2003, the League and its coalition partners met and decided to concentrate efforts on legislation to create the NYS Fair Pay Act. The Fair Pay Act is strongly written enforceable legislation, which, if passed, would provide equal pay for jobs of comparable worth in both the public and private sectors requiring that job titles where people of color and/or women predominate receive equal pay with comparable job titles. Job titles disproportionately held by women and people of color have traditionally been undervalued and paid less than comparable job titles with the same level of skill and responsibility as judged by job evaluation systems commonly used by employers.

Another important strength of the NYS Fair Pay Act which is particularly important for private sector workers is that it allows employees to voluntarily share salary information without fear of being fired or reprimanded for disclosing information about pay. *The vast majority of workers are employed in the private sector where salaries can be kept secret and employees can be fired for sharing salary information.* Without salary information, it is impossible for private sector employees to know whether they are being paid equally for equal work.

In preparation for legislative advocacy in 2006, our coalition partners UUP and NYSUT passed **resolutions** at their Assemblies to make pay equity an important part of their lobbying package.

During the 2007 legislative session, representatives of NYSPEC's member organizations secured sponsorship by the Senate of the "same as" Assembly New York State Fair Pay Act. Senator Craig Johnson a recently elected Democrat was felt to be an appropriate sponsor because of the possible Democratic takeover of the Senate in 2008. Clearly the pay equity reform effort was being stifled by the Republican Senate Majority.

During the 2008 legislative session with the Republicans still holding the majority, NYSPEC held a Gloria Steinem Day for Fair Pay in the Well of the LOB on April 2<sup>nd</sup>. Gloria Steinem spoke to a very large turnout of roughly 500 people. Many bill sponsors and Democrats from the Senate spoke. A similar event was held in 2009 and 2010 on Equal Pay Day.

The scandal leading to the resignation of Gov. Eliot Spitzer on March 12, 2008 resulted in Lt. Governor David Paterson becoming Governor. With the elections of November 2008 the Democrats started the 2009 legislative session with a two-vote majority in the Senate. With the change in Senate Leadership, **the Senate Labor Committee passed The NYS Fair Pay Act on April 6<sup>th</sup>, 2009. There were no nay votes!** Then came the coup, and counter coup, and all legislative action ground to a halt.

## **DOMESTIC VIOLENCE**

### **DOMESTIC VIOLENCE**

#### **Statement of Position**

**As announced by the State Board, June 1983**

**Domestic violence is a serious crime but because of the special relationship between the parties, the League of Women Voters of New York State believes that it should be possible to bring such cases in Criminal and Family Court.**

**Special training should be required for judges, police officers, medical personnel, attorneys, social workers, court personnel and others likely to have contact with perpetrators or victims of domestic violence. Both the victim of a violent act and the person who commits it need special services to break this pattern. The LWWNYS recognizes that the person who resorts to abuse of an individual needs help and therefore supports existing prevention and treatment programs and the creation of new programs as means of reducing domestic violence. Services such as shelters, counseling, legal services and hot lines are also needed to provide for the safety of the victims of domestic violence because of the ever present physical and psychological danger to them.**

**Programs to reduce the incidence and effects of domestic violence should be funded by a combination of public and private funds.**

### **Recent League Activity**

After 20 years of lobbying for the Expanded Access to Family Court Act, the bill was passed and signed into law on July 21, 2008. The League joined over a hundred organizations in a coalition at the beginning of the year and pressed for passage through phone calls, presentations, media releases etc. This is a significant event because it changed the definition of who can receive an order of protection in family court from any member of the same family or household to former spouse whether or not they are living together now or unrelated persons who continually or at regular intervals reside in the same household as well as persons who are, or have been, in a dating or intimate relationship whether or not they have ever lived together. This law has caught up with what intimate relationships represent in the 21<sup>st</sup> century. Over 3000 people, who would have been previously excluded, have used this law since July.

Persistence is an important aspect of League activity and one person can make a difference as well as a coalition. An example is the passage of a local bill in the Monroe County legislature against discrimination in housing. This bill was introduced in September of 2007 with the expectation that the majority party would bury the bill. However, Carly W. began her campaign. First, she prepared a letter for all the supporters to sign. Then she contacted every legislator in both parties on the state level. These people had been contacted for several years on issues of

DV so they knew Carly and her expertise. They in turn wrote the local legislators in support of the bill. She next spoke at every open meeting of the legislature from September to December and explained its necessity from a variety of viewpoints.

Our local League wrote our letter of support. She told me that every time she met with the legislators, she would mention the League to show the broad support for this bill. On December 11, 2007, in the wee hours of the morning this anti-discrimination bill passed. It should be noted that the only other county in NYS to have anti-discrimination in housing legislation is Westchester County.

Legislation passed in 2008:

- 7/6/08: “911 Law” which criminalizes interference with calls for emergency assistance?
- 5/2008: Free Security Freeze on Credit Report for DV victims
- 4/2008: Non-Penalties for Good faith Efforts to Protect Child in Custody/Visitation
- 9/25/08: Provides for Undocumented Immigrant Eligibility for DV Shelter
- 9/2008: Allows Child Protection Services Access to Criminal History Reports of Adults in Residence

Efforts in 2009 were directed at passing the anti-discrimination bills in housing and employment on the State level, though none were. However, momentum for both has increased since the 2013 State of the State.

In his January 2013 State of the State, Governor Cuomo introduced his 10-point Women’s Equality Agenda, later the Women’s Equality Act (WEA), which included protecting victims of domestic violence by allowing them to apply for orders of protection via closed circuit TV (rather than having to be in the same room with their abuser).. The WEA also included a provision to ensure in law that protected parties cannot be held to violate an order of protection put in place to protect them and a provision to prohibit building owners, managers and leasing agents from refusing to lease or sell, or evicting a tenant because of their status as a domestic violence victim.

Following the State of the State, LWVNY joined the NY Women’s Equality Coalition to lobby for passage of Governor Cuomo’s 10-point Women’s Equality Agenda/Act (WEA). The League lobbied extensively for passage of the WEA, but it did not pass during the 2013 legislative session. For a complete narrative on the League’s advocacy on WEA, please see the top of the *Women’s Issues* section.

### **Past League Activity**

The League supported legislation in 1983, which set up a trust fund with state revenues to fund programs that contravene domestic violence. The Children and Family Trust Fund was established in 1984 and funding legislation was passed with League support.

The League lobbied vigorously for the Family Protection and Domestic Violence Intervention Act of 1994. Passed by the legislature and signed into law, this measure provided much needed comprehensive domestic violence reform. The League position allowed us to support critical provisions in the legislation such as: individuals' ability to bring cases in either civil or criminal court, mandatory arrest for perpetrators of domestic violence, law enforcement and judicial training.

At the 1995 LWVNYS convention, delegates supported editorial changes in the domestic violence position that reflects the changes made by the Family Protection and Domestic Violence Intervention Act in allowing cases to be brought in both the Criminal and Family courts. The original language read ". . . to bring such cases to either the Criminal or Family Court." The position now reads ". . . to bring such cases in Criminal and Family Court." Another change in the position's wording was from "... spouse ..." to "... individual ..."

In lobbying for the Family Prevention and Domestic Violence Intervention Act, the LWVNYS found that our position limited action to violence perpetrated against spouses. Recognizing that domestic violence is not limited to spouses, but rather occurs between many individuals in an intimate or formerly intimate relationship regardless of marital status, the League has lobbied for a broader interpretation in statute of the definition of "family" with respect to the incidence of domestic violence. Proposed legislation would address the realities of domestic violence and the League concern that safety be afforded to all victims of battering.

The League has lobbied for the redefinition of family. The Assembly has passed the legislation each time, but the bill never gets out of the judiciary committee of the State senate.

In 1994 delegates to the LWVUS convention adopted by concurrence a position on Violence Prevention, based on work done by a number of state and local Leagues. The League subsequently endorsed the Violence Against Women Act (VAWA), which passed Congress and was signed by the President in the Fall of 1994 as part of a comprehensive crime bill.

This legislation has been renewed every five years. It is significant in that it created the first federal legislation acknowledging domestic violence and sexual assaults as crimes and provides federal resources to encourage coordinated community responses to combat violence.

In between the five year increments of reauthorization, it has been necessary to follow the appropriation process each year to be sure the programs are adequately funded.

The LWVNYS joined as Amicus Curiae in the Nussbaum v. Steinberg case, which was filed on February 6, 1995. In that case, Hedda Nussbaum sought money damages from Joel Steinberg for extensive physical and psychological injuries he inflicted upon her between 1978 and 1987. Steinberg moved for summary judgment because almost all of the events alleged occurred more than one year before the action was commenced and as such were time-barred by CPLR

3211(a)(5). The Nussbaum brief opposed this action on the basis that CPLR 208 allows a tolling of the one-year tort statute of limitations upon her qualifying incapacity. This case would set a precedent for women to bring suit against an abuser notwithstanding the one-year statute of limitations based on proven diminished capacity. The League joined in support of Hedda Nussbaum believing that the case presents important issues concerning a battered woman's right to civil redress.

In 1996 and 1997 League supported time limit exemptions for domestic violence victims receiving public assistance. According to survey results released by the National Organization for Women Legal Defense Fund, in some areas 60%-80% of welfare recipients have been victims of domestic violence as adults.

In 1998-99 the League worked closely with the NYS Coalition Against Domestic Violence attending regional meetings and lobbying on several initiatives. Using the League's national position on violence prevention, we supported the Anti-Stalking legislation. (*Impact On Issues*, 2002-2004, p. 66, LWVUS) This bill would define stalking as a separate crime in the Penal Code adding stiffer penalties than were previously imposed for the crimes of menacing and harassing. The League believed the current laws against stalking were inadequate and placed women at risk. New York was the only state without a specific crime of stalking. The menacing and harassing statutes were rarely prosecuted and conduct that constitutes behavior commonly identified by the public as "stalking" was poorly defined in the statutes. Inconsistent definitions and law enforcement, judicial, and jury misinterpretations resulted in increased freedom for stalkers to perpetuate their intolerable behavior.

Previous attempts were made by the Legislature to address some forms of stalking by including stalking behavior in the Penal Code under menacing and harassment. However, it was poorly defined and left a very important loophole—stalkers needed to use a weapon or dangerous instrument to be prosecuted for more serious offenses. The Anti-Stalking legislation was combined with a clinic access bill, also supported by the League. This bill was passed by the Assembly in the final hour of the regular session. This agreed-to legislation was passed by the Senate later in the year, signed by the governor and took effect December 1, 1999.

Other measures supported by the League in 1998-99 included lowering the evidentiary threshold for the proof of physical and serious physical injury and continued to lobby for legislation expanding the definition of family in the Family Court Act and Criminal Procedure Law (as noted above).

The HIV/partner notification bill supported under the League's position on health care contained a section on domestic violence, thanks to the League. As a result of the League's active involvement we participated at a NYS Health Department conference designed to establish protocols for the domestic violence provision in the HIV/partner notification law and wrote a critique of the draft protocols when they were issued. We continue to monitor the success of the provision.

In 2003, the Legislature passed a number of measures, which were supported by the League, to further safeguard domestic violence victims and their children. Ch. 579 of the Laws of 2003

increased the maximum duration of orders of protection issued by a family court from one to two years. The duration of orders of protection where aggravating circumstances exist was increased from the current maximum of three years to five years. In addition, violation of a valid order of protection will constitute aggravating circumstances. Currently, victims of domestic violence who need continued protection must return to court to extend the order when it expires. This measure will help victims by giving the court greater discretion to issue orders of protection for longer periods of time. Ch. 261 of the Laws of 2003 extended the law that allows domestic violence victims to go to family court at night to obtain orders of protection without the abuser being present (“ex parte”).

The League in conjunction with local and state Domestic Violence Coalitions has continued to lobby for legislation to protect and make it safer for victims of these crimes. Recent bills signed by the governor include:

- 6/23/06: Eliminates the statute of limitations on first degree rape, first degree criminal sexual act, first degree aggravated sexual abuse and first degree course of sexual conduct against a child.
- 8/26/06: Requires the Supreme Court to assign counsel to indigent people in divorce cases for issues in Family Court such as family offense, custody and child support. This does not apply to the divorce action.
- 7/26/06: Allows protection of companion animals to be added to an order of protection issued in a criminal court or family court.
- 8/25/06: Extends the maximum length of criminal court orders of protection.
- 11/1/06: Amends the penal law regarding sexual contact with a child to eliminate the lower penalty when the sexually abused child is closely related to the perpetrator
- 11/25/06: Prohibits an insurance company from disclosing to the person against whom an order of protection was issued the address and telephone number of the insured victim.
- 2/12/07: Directs the NYS Office of Children and Family Services to facilitate the establishment of Child Advocacy Centers to serve child victims of sexual assault and serious physical abuse.
- 6/4/07: Relates to termination of a residential lease by victims of domestic violence.
- 7/18/07: Authorizes an experimental program in which orders of protection filed and entered by the family courts of certain counties (Erie, Onondaga, Nassau, New York, Westchester, Richmond, Kings and Albany) shall be transmitted electronically.
- 8/19/07: Providing for revocation or ineligibility for firearms license or surrender thereof for willful violation of order of protection involving physical injury.

## **RATIFICATION OF THE EQUAL RIGHTS AMENDMENT**

### **POSITION OF THE LWVUS**

**Action taken under this position by LWVNYS**

### **United States Constitution**

Delegates to the League's national convention in May 1972 voted to support the Equal Rights Amendment (ERA) to the U. S. Constitution and to add to the national League social policy position a specific reference to equal rights regardless of sex. Although New York and 35 other states ratified the federal amendment, the needed 38 were not gained by the June 30, 1992 deadline. **(LWVUS Impact on Issues, 2014-2016, p. 61)**

### **New York State Constitution**

In 1975 after playing a leading role in obtaining second passage of an Equal Rights Amendment to the state Constitution, the League and a statewide coalition unsuccessfully campaigned for voter approval in the general election. Strong nationwide opposition succeeded in defeating it. In 1984, Governor Mario Cuomo submitted an ERA to the legislature. The League was among the organizations working in support of the amendment that passed easily in the Assembly but was not considered in the Senate. A positive result of that unsuccessful effort was the emergence of a strong network of organizations that has continued to meet and work for issues important to women.