

AGENTS FOR CHANGE

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BWLAP Starts New OFP Project

BWLAP is happy to announce that we have recently received federal funding for our two-year OFP Project! The purpose of this project is to increase battered women's access to the civil OFP process in Hennepin County. BWLAP will do this in two different ways: representing women at OFP hearings to even out the playing field, and working for systems change in the OFP process.

As of October 6, Rumna Chowdhury will no longer be a Program Manager at BWLAP; she will instead be BWLAP's attorney for contract. Her new position will be to work in collaboration with the Hennepin County Domestic Abuse Service Center, representing battered women at OFP hearings. BWLAP will focus representation on those clients who have complicated legal issues (family law/custody or pending criminal issues), whose batterers are represented, or who are otherwise disadvantaged by the system (immigrants, women of color, poor women). The purpose of this position is to make the OFP process more accessible on an individual basis.

At the same time, BWLAP Legal Resources Program Manager Sage Van Voorhis will be working on systems change in the OFP process in Hennepin County. This will include holding trainings with the Hennepin County Attorney's Office and Minneapolis City Attorney's Office, and providing technical assistance to the attorney in the form of legal research and document drafting. BWLAP will also be hiring translators to translate written materials into Spanish, Hmong, and Somali.

We are very excited about this new project and expect to improve the system's response to battered women. While this project is only in Hennepin County, there is the possibility that we may expand to other parts of the state after the initial two-year project.

BWLAP is growing

Welcome Nicole! Nicole A. Lindemyer joined BWLAP in September 2003 as a new Program Manager. BWLAP is excited to have Nicole on board as we look forward to expanding our projects into new areas. Nicole is an attorney who has extensive experience and expertise in violence against women, but mostly what characterizes Nicole is the passion she puts into helping women to overcome any kind of oppression. We feel happy and proud to have Nicole in our group! Together we will bring into full fruition our mission to combat domestic violence.

Upcoming Events at BWLAP

October 22:

A conference entitled *Sexual Trafficking of Women and Girls: The Minnesota Experience*, will be held at St. Catherine College on October 22, from 8:00 a.m. to 5:00 p.m.

November 20-21:

Conference sponsored by the Immigration & Refugee Battered Women's Task Force (IRBWTF), United Church, 1000 First Street SE, Little Falls, MN.

Upcoming Conference in Little Falls

On November 20 and 21, 2003, the Immigrant and Refugee Battered Women Task Force (IRBWTF) will be coordinating a Conference in Little Falls with the help of Hands of Hope, a well known local agency. The Conference will take place at the United Church, located at 1000 First Street SE, Little Falls, MN 56345. **For registration and any other information please call BWLAP and ask for Gloria Fressia at 612.343.9846 or Zabat Awed at 612.343.9845.**

IRBWTF is a joint program integrated with people from a number of organizations, all of them dedicated, among other purposes, to eliminate domestic violence and help battered women and their children. IRBWTF's mission is to help immigrant battered women overcome the barriers they face within the system. IRBWTF has organized several symposia, the last one a two-day conference held at Metropolitan College in Minneapolis in June 2003, which was a great success. Now is time for IRBWTF to move to the rural areas within Minnesota.

BWLAP's Gloria Fressia will be presenting its latest research on the issue of parental kidnapping. BWLAP has been receiving many phone calls and inquiries on this issue, and BWLAP plans to prepare a Technical Assistance Packet on parental kidnapping that would be available on our website.

The agenda for the November 20-21 conference will include discussion of upcoming Congressional action regarding immigration issues; VAWA cases; public benefits; the role of law enforcement; Orders for Protection and Harassment Orders and the recent changes to these laws; the right to interpretation; parental kidnapping; and a panel session focusing on domestic violence in immigrant communities. Join us!

BWLAP Working to End Trafficking of Women and Girls

A conference entitled *Sexual Trafficking of Women and Girls: The Minnesota Experience*, will be held at St. Catherine College on October 22, 2003, from 8:00 a.m. to 5:00 p.m. Leslie R. Wolfe, President of the Center for Women Policy Studies, will be the keynote speaker, talking about "Fighting the War on Sexual Trafficking." There will be also several workshops on state legislative initiatives, UN leadership, the domestic connection, services, and prevention and intervention.

BWLAP will be part of the plenary panel on "Trafficking in Minnesota: The Extent and Response." In this panel, Gloria Fressia, one of our Program Staff, will be talking about the relatively new T Visas; their availability for undocumented immigrants who are victims of crimes of violence; and the need for a coordinated community response in order to bring the needed support victims of those crimes need to access legal protections.

Participation in this conference on trafficking is another piece of BWLAP's work on issues of critical importance to our immigrant communities, to help disenfranchised immigrant women navigate the legal system in Minnesota.

DID YOU KNOW...?

According to Minnesota law, in an OFP hearing a judge cannot award custody or visitation time to a non-adjudicated father who has never married the mother of the child.

ADJUDICATION: the act of giving a judicial ruling such as a judgment or decree.

If paternity has not been adjudicated, sole legal and physical custody of a child is with the biological mother. Minn. Stat. § 257.541. Minnesota law imposes a specific procedure for determining paternity. Minn. Stat. § 257.34 (Declaration of Parentage) and Minn. Stat. §§ 257.51–74 (Parentage Act).

Without proof of entitlement to one of the statutory presumptions of paternity, verbal acknowledgement of paternity during an OFP hearing does not fulfill any of these presumptions and is not sufficient to determine paternity under Minnesota law. Minn. Stat. § 257.55. This means that even if both the petitioner mother and respondent father of a child acknowledge in court during an OFP hearing that the respondent is the biological father of the child, the court cannot award any type of custody or parenting time to the respondent father if paternity has not been adjudicated in a separate proceeding. (This is true even if the respondent's name is on the child's birth certificate or he has signed a Recognition of Parentage; neither of those is an "adjudication" of paternity.)

Although paternity cannot be adjudicated in an OFP hearing, the purported father may petition for custody and parenting time in a separate court action. However, if the court made a finding of domestic abuse in the OFP hearing, the judge in the subsequent custody proceeding **must** consider that domestic abuse has occurred between the parties. Minn. Stat. § 518B.01, subd. 17. This creates a rebuttable presumption that any type of joint custody is **not** in the best interests of the child. Minn. Stat. § 518.17, subd. 2.

Missed BWLAP's 2003 Annual New Laws training???

Materials are STILL available for purchase.

See order form at end of newsletter.

A new Task Force was born! Several organizations have joined efforts to address child protection issues. BWLAP integrates that Task Force and want to work closely with immigrant women from any community to help them break down the barriers and get better access to services.

In our philosophy the future of our children defines the future of our communities. We are aware that poverty and domestic violence are the most important barriers for our children to success. We want to overcome those barriers. We envision Minnesota as a large unique community integrated by different cultures in which children are the first priority

Thus, out of an spontaneous response, several organizations have started to move towards our ideal. If you have questions or concerns related to child protection or you are an Advocate for children, please contact us and let us know your personal experiences and opinions. That will enrich our work and our mission will be better complied.



BWLAP's New Program Manager

Hello there! As the newest member of the Battered Women's Legal Advocacy Project team, I want to introduce myself and a bit of my background. I know I've met many of you already (I'm the one with the spikey blond hair!) and hope to meet as many others as possible in the near future.

I graduated from the University of Minnesota Law School in 2001. My pursuit of a law degree was motivated entirely by my commitment to protecting and enforcing women's rights, particularly the right to be free from violence. While a law student, I tried to incorporate my feminist activism into my education in as many ways as I could. I was a student attorney in the Domestic Assault Prosecution Clinic, working with the City Attorney's office prosecuting misdemeanor domestic assaults. I was also a student attorney in the Housing Clinic, where I was assigned and won my first trial, a case of sexual harassment in housing. For the Domestic Violence seminar, I participated in the systemic audit of the Minneapolis Police Department's response to domestic violence organized by the Battered Women's Justice Project. For a seminar on Women's International Human Rights, I conducted research for the Women's Project of Minnesota Advocates for Human Rights on changes to VAWA's protections for battered immigrant women. I assisted Professor Beverly Balos in defending state laws authorizing funding to battered women's shelters in the face of a constitutional challenge. I was a staff editor and then Managing Editor of *Law & Inequality: A Journal of Theory and Practice*, a legal journal founded by Catharine MacKinnon when she taught at the U of M Law in the early 1980s. My research on sexual harassment in housing was published in 2000 ("Sexual Harassment on the Second Shift: The Misfit Application of Title VII Employment Standards to Title VIII Housing Cases," 18 J. Law & Ineq. 351 (2000)). I was Co-President of the University's branch of the National Lawyer's Guild in 2000-01, and an active member of the Women's Law Student Association and the Minnesota Justice Foundation. I also did volunteer work at various places throughout law school. My employment while in law school included a summer clerkship at the Housing Discrimination Law Project in 1999; a legal internship at the NOW Legal Defense and Education Fund in New York in 2000; and as a research assistant in 2000-01.

I come to BWLAP just after finishing up a two-year fellowship project at the Housing Discrimination Law Project of the Legal Aid Society of Minneapolis. My fellowship work focused on sexual harassment in housing, the practice of landlords extorting sex from vulnerable tenants by threatening to evict them if they refused to comply. Through my fellowship I gained an array of experience in various contexts: defending against retaliatory evictions or suing for repairs in Housing Court; representing victimized tenants in civil rights actions in both state and federal courts; advocating through the MDHR and HUD administrative complaint processes; and securing restraining orders against abuse and harassment in the Family Court system. I have conducted dozens of trainings and other presentations on women's housing rights, and have a special interest in this field. I hope to soon expand BWLAP's programming into the housing field, and would love to hear from others interested in joining this effort.

On a more personal level, I am also a survivor of both sexual and domestic violence, and the hellish consequences—drug addiction, homelessness, prostitution, etc.—that often stem from them. Although my work comprises the vast majority of my life, I also love animals of all kinds, cooking and baking, painting, writing mediocre poetry, chain-smoking, gardening, driving excessively fast, and collecting antiques and vintage clothing.

I am so thrilled to join the small group of amazing women here at BWLAP, and the larger community of advocates statewide. I'm sure we'll meet soon.

Nicole A. (Forkenbrock) Lindemyer, Attorney At Law Direct dial 612.343.9844 Nicole@bwlap.org

October is Domestic Violence Awareness Month

This month is **Domestic Violence Awareness Month**. Domestic Violence Month provides an excellent opportunity for citizens to learn more about domestic violence issues and to show support for the numerous organizations and individuals who are providing advocacy efforts, services, and assistance to domestic violence victims. Spanning centuries, cultures, and continents, domestic violence is a tragic epidemic that has plagued our society, having devastating effects on countless numbers of women and children.

Violence in the home is a crime we are all becoming more aware of each year. In the US a quarter of all reported violent crimes are domestic. In the US the estimate of the number ranges from 960,000 incidents of violence against a current or former partner to four million each year. But domestic violence is also a worldwide problem.

What is violence - or abuse? It is about power, and this can be about controlling a partner by either physical or emotional abuse. It is rarely a one-off event. There are also many different forms of abuse, and physical attack is only one of them. Perhaps most of us think of a black eye or broken arm, but sexual abuse can also be used as a way of dominating a partner. So can ridicule, so can control of family finances. So, too, can shouting and screaming.

Does your partner accuse you of all manner of "crimes"? These may even be everyday events, such as looking out of the car window "to look at other men" or talking for too long to friends and family on the telephone! Jealousy is a formidable spur for many attacks.

Domestic Violence Awareness Month is a time for collective action, a time for communities to unite to mourn those who have died as a result of abuse, to celebrate those who have survived, to correct those who work to end violence, and to raise public awareness about domestic violence.

QUICK DV FACTS

Battering is illegal. Battering is a preventable crime. Courts have sanctions available to impact domestic violence. Batterers need to be held accountable for their choices. Intervention services for batterers must not be used as a substitute for arrest, conviction, probation, incarceration, or other legal sanctions.

Children who witness domestic violence are six times more likely to commit suicide.

"Anger management" theory and methods are never appropriate for use in batterer intervention services as they do not accurately reflect the cause of battering and are a reflection of the batterer's desire to camouflage his choice to batter. Further, anger management theory suggests provocation, fails to account for premeditation, diffuses responsibility, implies that there is a quick fix, misrepresents the depth of the problem in the community, and fully misses the link to the larger issue of sexism and patriarchy.



Punto de Vista Latino

Juntos somos mas!

Juntos somos más!

Desde este pequeño espacio de nuestra revista, Bwlap quiere anunciar que, junto con otras organizaciones, está trabajando para lograr que, tanto el sistema jurídico como los servicios relativos a nuestros hijos menores, puedan contemplar mejor las necesidades de los niños, de los jóvenes y en última instancia de las familias en Minnesota.

Debemos reconocer que todos tenemos una tendencia a pensar que los tenas de protección infantil y de los jóvenes, resuelven o prestan servicios a los hijos de otras personas, no a los nuestros. Todos queremos y tratamos de ser buenos padres y de alguna manera nos convencemos que lo somos; para nosotros no se supone que nuestros hijos se vayan a encontrar jamás, en circunstancias en que el sistema en general tenga que intervenir por un problema relativo a nuestros hijos.. Para nosotros los latinos, la familia es una protección que está y estará allí siempre y nosotros sabremos absorber y resolver nuestros problemas con nuestros hijos dentro del ámbito de la familia.

Sin embargo, las estadísticas demuestran que eso no es tan así. Nosotros en la comunidad latina también tenemos problemas con nuestros hijos menores y adolescentes y debemos enfrentarlos.

Por esa razón Bwlap ha unido esfuerzos con otras organizaciones para trabajar para mejorar el sistema y los servicios que se prestan a los menores en Minnesota.

Nuestra filosofía es que el futuro de nuestras comunidades depende inevitablemente del futuro que podamos brindarle a nuestros hijos. Somos perfectamente conscientes que la pobreza y la violencia doméstica amenazan el futuro de nuestros hijos. Queremos ayudar a revertir esas circunstancias y también ayudar a nuestros niños y jóvenes con un sistema y servicios que sean más sensibles y receptivos a nuestra cultura, realidades y necesidades.

Para lograr nuestro cometido necesitamos de la ayuda de la comunidad latina. No podemos trabajar solos. Necesitamos que aquellas Advocates que trabajan con niños y con jóvenes nos proporcionen experiencias y comentarios sobre casos concretos. Nosotros queremos basar nuestras propuestas en casos reales de la vida cotidiana en Minnesota.

Por eso llamamos a las Advocates de la comunidad latina a comunicarse con Bwlap, Gloria Fressia por el teléfono 612 343 9846 o a través del e-mail gloria@bwlap.org para enriquecernos con sus experiencias.

Todos juntos podremos!

CHECK OUT OUR WEBSITE!
WWW.BWLAP.ORG

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BWLAP is a Minnesota-based, statewide, non-profit organization that provides legal information, consultation, training, litigation and legal resource support, and policy development assistance to battered women and to criminal justice, legal, and social service systems.

Questions or Comments? E-mail us: staff@bwlap.org

BOARD NEWS

November 14 2003

Board of Trustees Meeting
10:30-12:30
Free brunch provided!

Seeking new Board Members

BWLAP is looking for new members for our Board of Trustees. The time commitment is not huge—there are two-hour meetings every other month. We look for diversity and commitment to battered women's issues. People with fiscal, legal, or DV experience are encouraged to apply! Please call or send a letter of interest to the address above.

BWLAP extends its heartfelt gratitude to our funders:

The Elmer & Eleanor Andersen Foundation
The Butler Family Foundation
The Legal Trust Account Board
The Minnesota Center for Crime Victim Services
The Minnesota Department of Health
The Minnesota State Bar Foundation
The Phillips Family Foundation
The U.S. Department of Justice
The Women's Foundation of Minnesota

It is only with the help of our funders that we may help others. Thank you!
