

# AGENTS FOR CHANGE

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Agents for Change is a publication of the Battered Women's Legal Advocacy Project, Inc.

1611 Park Ave South  
Suite 2  
Minneapolis, MN 55404

Phone: 612-343-9842  
Toll free: 800-313-2666  
Fax: 612-343-0786  
Email: [staff@bwlap.org](mailto:staff@bwlap.org)  
Web: [www.bwlap.org](http://www.bwlap.org)

Kate Ecklund  
Maria Gloria Fressia,  
Nicole A.F. Lindemyer,  
Sage Van Voorhis,  
Program Managers  
Rumna Chowdhury,  
Attorney for Contract

## **UPDATE: Public Hearing on Proposed GAL Rules Will Be on June 15, 2004**

A public hearing will be held on June 15, 2004, to receive feedback on the Proposed Revisions to Rules of Guardian Ad Litem Procedure. The public hearing will be at 2:30 p.m. on June 15, 2004, in Courtroom 300 of the Minnesota Judicial Center, 25 Rev. Dr. Martin Luther King, Jr. Blvd. in St. Paul.

The Proposed Rules make several positive changes, such as prohibiting GALs from having any ex parte contact with the court except regarding procedural matters, and clarifying the role of GALs by stating what they can and cannot do. They also, however, propose some changes that we believe are not positive. For instance, the Proposed Rules omit the existing provisions on selection and application, qualification, and training requirements, instead vesting the power to establish such factors solely in the Office of the State Court Administrator. BWLAP submitted a Comment to the Proposed Rules raising these concerns, and recommending inclusion of training and curricula focusing on the interests of battered women and their children, including suggestion of a committee to work with the State Court Administrator on establishing these factors and having experts in domestic violence serve on that committee.

One of the points made in BWLAP's Comment was included in the Final Report and Proposed Amendments draft that is now recommended for adoption by the Minnesota Supreme Court: the Rules now provide for mandatory removal of any GAL upon notice of any criminal conviction of the GAL for an offense involving domestic assault. For more information, call Nicole at 612-343-9844.

## **BWLAP Housing Project: SURVEYS, PLEASE!!!**

In order to ensure that our Housing Project addresses the actual needs of battered women, their advocates, and others who have regular contact with them, we need to hear from you about what you see as the most important of those needs. Your input is absolutely critical to our ability to best help battered women find and retain safe, affordable, and fair housing. To that end, in March 2004 we sent out a Housing Survey to hundreds of recipients statewide. However, we have not received enough responses, especially from battered women's advocates. Please, please, please send in your Housing Survey ASAP! If you need a new one, call Nicole at 612-343-9844 or 800-313-2666 and she'll fax you one ASAP. Thank you!

## Upcoming Events at BWLAP

- **June 10-11** – DV  
101 training in St.  
Paul, sponsored by  
the MN Coalition  
for Battered  
Women (MCBW)
- **June 22** – Basic  
Training for  
Advocates Serving  
Tribal Communities  
in Duluth, co-  
sponsored by  
BWLAP &  
Dabinoo'lgan
- **June 23-24** – CA  
Coalition Against  
Sexual Assault  
(CALCASA)  
Training &  
Technical  
Assistance Institute  
in Minneapolis

## New Laws Training Sites!

New Laws is an annual training held by BWLAP to update advocates and others about laws affecting battered women. While the trainings are geared towards domestic violence advocates, anyone is welcome to attend. The scope of this training ranges from criminal law to family law and government benefits. Each year BWLAP holds the training in 6 locations throughout the state – two in the North, two in the South, one in the metro area and one in central Minnesota. We will be holding this year's New Laws trainings with the following local hosts:

- \* Southwest Crisis Center in Windom/Jackson, MN
- \* Someplace Safe in Fergus Falls, MN
- \* Pearl Crisis Center in Princeton, MN
- \* Rural Women's Advocates in Carleton, MN
- \* Migrant Health Services in Crookston, MN
- \* Twin Cities host TBA

## Welcome Kate Ecklund!

Hello! As the newest member of BWLAP's team, I wanted to take this opportunity to introduce myself and express how excited I am to be joining this organization and the larger community of advocates working to end domestic violence state and nationwide.

I joined the BWLAP staff as a Legal Resources Program Manager in late April 2004. I graduated from Macalester College in 1997 and received my legal degree from William Mitchell College of Law in 2003. Prior to joining BWLAP, I worked in private practice at a large Minneapolis law firm. During law school, I was an editor for *The William Mitchell Law Review*, participated in the Civil Advocacy Clinic, and volunteered for numerous legal services agencies through the Minnesota Justice Foundation. I also worked as a law clerk for Southern Minnesota Regional Legal Services, Housing Law Unit, and the Ramsey County Attorney's Office, Juvenile Division.

My decision to pursue a legal degree was motivated largely by my experience working at Casa de Esperanza and my commitment to issues surrounding women's rights. I have been active in the violence against women movement for several years. My experience working with survivors of domestic violence includes working as an advocate at a shelter, facilitating a domestic violence support group, and representing battered women in order for protection and harassment restraining order hearings.

I am very excited about joining the staff of BWLAP, returning to work in the nonprofit sector, and devoting my time, energy and legal skills towards working to end violence against women and children. I am eager to meet other advocates working in the field. Please feel free to call me at any time, with questions or just to say hello. I look forward to working with you!

## Recognition of Foreign Marriages in the State of Minnesota

An accurate determination of whether or not two parties were legally married can affect the services we provide to clients. For example, if the marriage between the parties was not valid, the "father" has to go to court to get custodial rights over any children born to the parties. If you can determine that a marriage was never valid, you may save your client the hassle and expense of going through a divorce. The law in this area is straight-forward and relatively easy to apply.

**General rule of law:** MN will recognize marriages contracted outside of MN (i.e. in any other state or in a foreign country) as valid if the marriage was valid at the time it was contracted and in the place it was contracted. What does this mean? If you were legally married in WI last year, MN will recognize that marriage. However, if your marriage was not considered legal in the place it happened, MN will not recognize that marriage.

**Exception to general rule:** Even if a marriage was considered valid by the state where the marriage took place, Minnesota will not recognize that marriage as valid if it violates the strong public policy of Minnesota. Case law and state marriage statutes dictate what marriages violate Minnesota public policy.

### **Example 1:**

Man and Woman participate in a Hmong religious ceremony in Thailand. Following Thai law, they applied for a marriage license and registered their marriage with the Thai government. Man and Woman move to MN.

Marriage is VALID in MN, because it was valid in Thailand.

### **Example 2:**

Same facts as example 1, but the parties were 11 and 14-years-old at the time.

Marriage INVALID in MN. A marriage between minors is not legal in Thailand. But, even if the marriage were

legal in Thailand, MN would consider it invalid because it violates MN public policy for an 11-year-old to marry.

### **Example 3:**

Woman 1 and Woman 2 are married in Country A. Country A recognizes marriages between two people of the same sex. Woman 1 and Woman 2 follow all necessary laws and procedure so that their marriage is valid in Country A. Woman 1 and Woman 2 move to MN.

Marriage INVALID in MN. The state of MN, through statute, has decided not to recognize foreign marriages or civil unions between two people of the same sex, even if legal in the country where performed. Thus, even though the marriage was valid in Country A, it is invalid in MN because it violates public policy of MN.

### **Example 4:**

Man marries Woman 1 in Country B. Two years later, Man marries Woman 2 in Country B. In Country B it is legal for Man to have two wives. Man, Woman 1, and Woman 2 all move to MN.

Marriage 1 VALID in MN; Marriage 2 INVALID in MN. Polygamy is against the public policy of MN. Thus, even if the second marriage is valid in Country B, MN will not recognize it as valid.

### **Example 5:**

In Country C, after a Man and Woman live together for 10 years they are considered to have a common law marriage. Man and Woman live together in Country C for 11 years. After the eleventh year, Man and Woman move to MN.

Marriage VALID in MN. Even though the state of MN does not recognize common law marriages within the state, if such a marriage is valid in the place where the parties previously lived, MN will recognize the marriage as valid.

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CHECK OUT OUR WEBSITE!  
WWW.BWLAP.ORG

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## The Dangers of Cyberstalking for Battered Women

Computer safety is a concern for everyone, but it can be of particular importance to battered women. It is relatively easy for abusers to track victims through their use of the internet. Battered women should be careful to use secure computers, and may want to refrain from using their real names in setting up e-mail accounts, posting messages on bulletin boards, or communicating with other users in chat rooms.

### Are you already being cyberstalked without your knowledge?

Follow these directions to find out if you or a member of your family is already being discussed in public areas of the Internet:

- \* Go to [www.google.com](http://www.google.com) and type your name in quotation marks ("Jane Smith"), and click **Search** to search for any references to you on web pages. Look at the results to see if any of them relate to you.
- \* Keeping your name in the search window, click on the **Images** tab to search for any pictures on the web that might relate to you.
- \* Keeping your name in the search window, click on the **Groups** tab to search for any possible references to you in usenet groups.
- \* Go back to the **Web** tab. Now enter your area code and phone number and then click **Search**. Check the results to see if any of them relate to you.
- \* Keeping your area code and phone number in the search window, click on the **Groups** tab. Check the results to see if any of them relate to you.

You can do the above checks for each and every family member's name and/or telephone number.

By following the procedure above, you are searching those web sites that allow themselves to be indexed in Google, usenet (newsgroups), and any images that have been indexed. Note that these searches are not really searching everything because people can upload files without allowing them to be indexed in Google, but if you do find information on yourself, it can alert you to a potential problem.

### What Are You Revealing?

People often reveal a lot of personal information because they don't anticipate the danger that lurks beyond their computer. Here are some do's and don'ts to help you keep yourself and family members safer:

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## UPDATE: McCoy Case Argued to MN Supreme Court on April 13, Decision Still Pending

Oral arguments in the case of *State v. McCoy* (C4-02-1788 (Minn. App. 09/09/03), available at <http://www.lawlibrary.state.mn.us/archive/ctappub/0309/op021788-0909.htm>) took place before the Minnesota Supreme Court on April 14, 2004. This is the case in which the Minnesota Court of Appeals required a higher standard of proof before admitting prior acts of domestic abuse into evidence. Several battered women's advocacy groups submitted a brief of *amicus curiae* ("friend of the court"), explaining to the Supreme Court why the Court of Appeals' decision was erroneous and why the former standard is the proper one to apply in cases of domestic abuse. As of June 1, 2004, the MN Supreme Court had not yet issued its decision in *McCoy*. You may monitor the MN Supreme Court's latest decisions and orders at <http://www.courts.state.mn.us/opinions/sc/current/sccur.html>, or call Nicole at 612-343-9844 for an update. BWLAP will continue to keep you posted.

## Punto de Visto Latino

Los que luchamos por los derechos de los inmigrantes ganamos una rotunda victoria días pasados: el proyecto de ley llamado Undocumented Alien Emergency Medical Assistance Amendments no logró la mayoría en la Cámara de Representantes, con lo cual no podrá aprobarse al menos en esta legislatura.

Por dicho proyecto se modificaban las provisiones legales que regulan la asistencia médica y/o hospitalaria de emergencia a extranjeros indocumentados en los Estados Unidos.

El proyecto de ley buscaba obligar a los hospitales y a los empleados de los servicios de salud a que chequearan el estatus migratorio de todas las personas que solicitaran atención, debiendo comunicarse de inmediato al Bureau of Citizenship and Immigration Services, los nombres, domicilios y demás datos de aquellas personas que fueran indocumentadas.

Los miembros de la Cámara de Representantes del Congreso de los Estados Unidos que por mayoría votaron en contra de este proyecto hicieron especial hincapié en el peso que tal normativa suponía en los servicios de salud en general y sobre todo en el devastador efecto que tal medida acarrea sobre la salud de las personas que viven en este país sin importar su estatus migratorio, sin mencionar las consecuencias que la falta de atención médica adecuada de dichas personas tendría inevitablemente en la salud pública en general.

Para las mujeres inmigrantes víctimas de violencia doméstica que necesiten servicios médicos y/o hospitalarios esta victoria es sumamente importante. Por ahora el fantasma del temor a ser denunciada por falta de estatus migratorio al momento de solicitar atención médica ha quedado atrás.

Festejemos esta victoria producto de la enorme cantidad de llamadas y emails dirigidos a los legisladores por activistas en pro de los derechos de los inmigrantes desde todas partes de los Estados Unidos. Y a todos aquellos que se sumaron a esta lucha GRACIAS.

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## Immigration Corner

On June 23-24<sup>th</sup>, BWLAP Program Manager Maria Gloria Fressia will be a presenter at the California Coalition Against Sexual Assault's (CALCASA) Training and Technical Assistance Institute in Minneapolis. Gloria will be presenting a workshop on the international trafficking of women and the relief available to trafficking victims under the Victims of Trafficking and Violence Prevention Act (VTVPA), passed by Congress in 2000. Her presentation will address the creation of T and U nonimmigrant status for victims of trafficking under VTVPA, as well as outline the legal requirements to qualify for T and U Visas, the standard of evidence and type of proof to be submitted to the Bureau of Citizenship and Immigration Services, and the procedures to be followed by that entity. For more information, contact Gloria at 612-343-9846 or gloria@bwlap.org.

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- Pick a username for your e-mail address that does not reveal your gender, age, or geographic area. Do the same when picking identity names (screen names or "aliases") for any chat rooms, instant messenger programs, or discussion forums you might want to participate in. Some women use the strategy of picking male or masculine-sounding usernames to reduce the likelihood of being cyberstalked, but as the number of men reporting being cyberstalked is increasing, that may become of less and less advantage in time.
- Pick a username for your e-mail address or identity that does not reveal your last name at all, in part or whole. Usernames like JSmith2@yourrealdomain.com reveal information about yourself (assuming that you are really J. Smith).
- If you have children who will be online, teach them to never give out their name or any personal information online without your permission. Do not rely on parental control software.
- Do get one or more free e-mail accounts and use them for participating in any online activity such as use-net, chat, instant messaging, mail lists, or discussion forums. Only give your primary e-mail address to very trusted sources such as your family and closest friends.
- If your children will be signing up for services online, get them free e-mail addresses, too, and teach them to never give out their real (primary) e-mail address to anyone online. Instruct them to let you know immediately if anyone is asking them questions about themselves or offering to send them anything.
- When signing up for your main e-mail account or any free e-mail account or any online services, do not fill out "profiles" with your real details. Give as little information as possible, and consider providing false information. Unless you're sworn to accuracy, you're usually not breaking any laws by being dishonest. Some people also use a variety of fake usernames and profiles so that if they start receiving unwanted commercial e-mail ("spam"), they can figure out what company sold their name and e-mail address to the list.
- If you meet people online in chat rooms or via mail lists, instant messenger programs, or usenet groups, do not assume that they are telling you the truth about who they are and do not give them any personal details about yourself.
- While there are some touching stories of couples who first met online and then married, there are many more cases of people meeting online, getting involved, and then having a falling-out or online cybersexual relationship that becomes problematic. Just as many stalking cases begin with romantic relationships gone bad, many cyberstalking cases begin with online romantic relationships that turn ugly. At the present time, we don't know whether online relationships are more, less, or equally likely to result in stalking or cyberstalking when compared to offline relationships, but to keep yourself safe, you might assume that you will run an increased risk due to the ease of anonymous harassment and cyberstalking.

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## **BWLAP E xtends its Heartfelt Gratitude to Our Funders:**

The Elmer & Eleanor Andersen Foundation

The Beim Foundation

The Bush Foundation

The Butler Family Foundation

The Edina Realty Foundation

The Grotto Foundation

The Legal Trust Account Board

The Minneapolis Foundation

The Minnesota Center for Crime Victim Services

The Minnesota Department of Health

The Minnesota State Bar Foundation

The Phillips Family Foundation

The Public Welfare Foundation

The James R. Thorpe Foundation

The U.S. Department of Justice

The Archie D. & Bertha H. Walker Foundation

The Women's Foundation of Minnesota

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

## Keeping Your Computer Secure

Computer security is essential, regardless of whether you're just an occasional user or someone who spends a lot of time connected to the Internet or on a network that is connected to the Internet.

Protecting your system from intrusions and infections requires a lot of vigilance, but do you really want to leave the door open to allow someone access to your hard drive and files? Or would you be concerned about clicking on a link if it meant that you were - unbeknownst to you - installing a program on your hard drive that would allow others to track every move you made on the Internet or to use your computer to launch attacks on others? Would you be concerned about getting infected by a program that was taking your personal e-mail and sending it out to thousands of others all over the Internet? Here are some tips or pointers to pursue:

- Install and use anti-virus software.
  - Update your anti-virus software at least weekly.
  - When you install and configure the software, set it to provide "real-time" protection so that it notifies you if an infected attachment arrives in e-mail and/or sets off alarms if you try to click on or open an infected attachment.
  - If you are not behind a router as part of a network, use a firewall. A firewall is a security system that protects your computer or server from accidentally or unintentionally sending information out over the Internet. It also protects from unwanted intrusions or invasions of your computer or network. Firewalls can be implemented by hardware (having a computer that serves solely as a gateway between your computer and the Internet) or by a software program.
  - Check for updates to fix security problems on your operating system and software. If you use Windows as your platform, for example, when was the last time you checked for critical updates to patch security problems that have been identified? Go to Microsoft's site and it will scan your system and tell you of any critical (security) updates you should download and install.
  - Never click on any link that comes in an e-mail unless it is from a trusted source and you were expecting the link. A lot of spammers may create fraudulent "from" lines to trick you into thinking that the mail is coming from a legitimate source. Many malicious codes may also come from fake addresses such as support@microsoft.com, and some identity theft or fraud scams purport to come from reputable companies but direct you to click on a link that goes elsewhere. Before you click on any link, position your cursor over the hyperlink and look at the bottom of your browser window to see what url is displayed for that link. If it doesn't look legitimate, then don't click on it until you get more information.
- Run full-system virus scans regularly.
  - Run programs that will detect and delete any spyware on your system. Free programs such as Ad-Aware and Spybot can perform such scans and functions and you can find them online.
  - Never reply to unwanted e-mail, even if it says "To be removed from this mail list, reply-to..." By replying, you are showing the sender that your e-mail address is a working e-mail address and that somebody actually reads the mail. Only use the "reply" option to spam if you know that you originally did sign up for the mailings and now want to be removed.
  - Do not open attachments that arrive with e-mails unless you know the sender and are expecting the attachment. Some services give you the option to reject all attachments of particular kinds. When in doubt, don't open it!
  - If you discover that your system is infected, you should disconnect from the Internet until you have resolved the problem. Instructions for removing many types of infections are available on the sites that sell anti-virus software, but because some infections can do nasty things that actually prevent you from detecting them, you might need to take the more extreme measure of reformatting your hard drive and totally reinstalling your operating system. Before taking any extreme measures, it is always advisable to consult with someone truly knowledgeable.
  - Back up all your important data files regularly and keep them in a safe location so that if your system is compromised, you won't lose everything if you have to reformat your hard drive.

Battered Women's Legal Advocacy Project, Inc.  
1611 Park Ave South, Suite 2  
Minneapolis, MN 55404

Non Profit Organization  
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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](mailto:staff@bwlap.org)

## MARK YOUR CALENDARS!

**Monday June 28, 2004**

**Board of Trustees Meeting**

Re: Strategic Planning Retreat  
9:30-11:30 a.m.

## Cell Phone Donations

BWLAP is still collecting old cell phones for re-use as emergency phones for battered women. Many of you have old cell phones gathering dust at the bottom of a desk drawer. These phones can be put to good use and may be a life line for a battered woman. You may also be able to get a tax deduction based on the value of the phone you donate. Please consider donating cell phones that you no longer use. Drop off used phones at our office or you can mail them to us.

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★  
★ **Would you like to serve on** ★  
★ **BWLAP's Board?** ★  
★ We are taking applications. If you are ★  
★ interested, please e-mail: ★  
★ **[staff@bwlap.org](mailto:staff@bwlap.org)** ★  
★  
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