



1978-2005

27 years of working in Colorado to end domestic violence in all its forms.

CCADV VISION STATEMENT

CCADV is dedicated to the elimination of domestic violence in all of its forms. We recognize that this requires a fundamental change in society's views of gender and gender roles.

CCADV MISSION STATEMENT

Through community education, networking and the empowerment of battered women and children, CCADV serves as a forum for social action and the development of services for battered women and their families by bringing its membership and the community together. CCADV is a diverse network of rural and urban advocates who work together through the coalition to coordinate services, exchange information and work on issues of common concern, thereby providing a unified, statewide environment that will nurture members' local, community-based efforts to stop domestic violence.

THE VOICE

Summer 2005

Legal Privilege in Colorado

By Julie Kunce Field

"Tis a privilege to live in Colorado ."
Frederick Bonfils

Frederick Bonfils' famous quote presumably refers to the mountains, the weather, and the people of this great state. But for domestic violence and sexual assault victims, that quotation has a different meaning. In the great state of Colorado, domestic violence and sexual assault advocates have the highest level of protection for information shared by victims of any state. Thanks to a recent Colorado Supreme Court decision, that privilege was clarified and reinforced, and Colorado victims are indeed privileged to live here. In *People v. Turner*, 2005 Colo. LEXIS 321, the Colorado Supreme Court issued a sweeping opinion rejecting a criminal defendant's subpoena for domestic violence program records, protecting the identity of the victim who seeks services and the types of services she has received, unless the victim has given an express or implied waiver.

In *Turner*, the Alliance Against Domestic Abuse in Salida had their records subpoenaed by a criminal defendant in a misdemeanor case. The trial judge acknowledged Colorado's victim advocate privilege, but said that it did not apply because the defendant was not seeking communication that the victim had made to program personnel, but wanted to know what services she had been provided. The trial court bought that argument, and required information about what services she received to be released. (The program has not even acknowledged that the victim had any contact with the program.) AADA filed an appeal, with the support of the DA's association, CCADV and 41 other

national, state and local organizations. The Supreme Court reversed the lower court's decision, and said that none of AADA's information may be shared with the criminal defendant.

The Supreme Court was interpreting CRS §13-90-107, the statute that protects domestic violence victim advocate/victim communications. The Supreme Court recognized the critical role that confidentiality plays in safety, and justice, for battered women and their children. The lesson from the *Turner* case is that programs must be mindful of the protections of Colorado law: only a report of suspected child abuse or neglect or a victim's specific, knowing authorization to release the confidential information can open up confidential information to individuals or agencies outside of the domestic violence program. Programs that go beyond these limits are potentially facing liability for unlawfully disclosing confidential client information. The response to a request for client information, including any information that could identify a person who has contacted the program or used its services, should be "I have no information for you." Waivers or releases of information should be knowing, voluntary, time-limited, and based on complete information.

**TOGETHER, WE CAN
END DOMESTIC VIOLENCE**

To Join Our Effort:
Please fill out and return
the enclosed remittance envelope.

Thank you
in advance for your support!

Can Love Survive

CCADV is pleased to announce the unveiling of its new chat book, *can love survive*, a collection of poetry from survivors of domestic violence. This forty page chat book is the product of a close collaboration between CCADV's Survivors' Task Force and diverse survivors of domestic violence throughout the state, including nationally recognized poets, artists, and survivors whose work has never before been published. Members of Survivors' Task Force pulled together this collection of poetry in order to give a voice to survivors and end the silence around their abuse. As written by Tralita Alderman in the Prelude to the book:

The authors in this book are first-hand survivors. We have felt the love and agony of letting go and the joy of rediscovering ourselves along the way. This represents our journey, our process, from the pain of abuse into the confusion of transition and finally into the hope of healing...The wake of our experiences are not just a part of our lives, but part of a broader, violent culture seeking to right itself, to free individuals from those laws,

institutions, and agencies assisting in our re-victimization...As you embark with us on this journey through the process of healing, you empower us with your listening, and we empower you by giving voice to the violent silence of our suffering. When the unspeakable is spoken and the unbelievable really heard, the truth sets each of us free.

The editors of *can love survive*, Tralita Alderman, Joy Learman and Jana Loveall, would like to express our sincere gratitude to the 18 poet survivors who submitted their personal work for inclusion in this collection. Thank you for your heartfelt and extremely valuable contributions.

Copies of *can love survive* are available for purchase at CCADV for \$15. Please contact Joy Learman, CCADV Development Director, at jlearner@ccadv.org or 303-831-9632 if you are interested in obtaining a copy. Proceeds from book sales will be used to support our work to end domestic violence in all its forms.

Personal Financial Program for Women

By Peg McGavock

Do you ever feel that life is so overwhelming that living under a bridge actually looks tempting? We are not only expected to be generalists in order to survive but experts in the fields of medicine, finance, child care, auto repair, nutrition and the list goes on. If anything goes wrong in any of these areas, it's our fault because we should have known. One area that we can actually gain control is in the area of personal finance; honestly, we can. I saw it with my own eyes.

Several years ago, I became involved in a financial information program for women, which was developed by AARP. I became sold on this program when years later women told me that the program actually gave them the skills and tools to change their lives, from opening their own businesses to leaving abusive relationships.

For reasons of their own, AARP discontinued offering this program so we at RESPONSE in Aspen developed our own, thanks to the generosity of the Women's Foundation of Colorado. Our Personal Finance program for Women (PFW) runs for five weeks with different guest speakers throughout. What I like best about this program is that the participants break out into groups that are facilitated. This process encourages women to support each other, like sitting around a kitchen table.

Our goal is to empower women to understand the complexities of their finances and by so doing take charge of their lives by taking charge of their money. When women learn, earn, manage, and invest, the economic playing field will genuinely be a level one.

I would like to share this program with others and am presenting a workshop during the Rural Issues Retreat at the CCADV Statewide Meeting on September 14th. The workshop will cover how to organize a Personal Finance Program for Women in your community.

2004 SERVICES PROVIDED BY DAAP-FUNDED DV PROGRAMS IN COLORADO

Total # of Crisis Calls	28,507
Total # of Counseling Calls	43,054
Total # of Advocacy Calls	59,023
Total Number of Residential Clients	5,677
Women sheltered	3,040
Children sheltered	2,639
Total Number of Non-Residential Clients	31,994

Source: Domestic Abuse Assistance Program

Retrograde Motion

By Betty Wytias

It was 1984. The George Orwellian prophecies had not come to pass. But I was living in a world of bewilderment and bereavement all my own.

My physician "Dr. Mary Jones" called one night to tell me that the various tests had come back about my mental affliction. It seemed that every time I heard a loud noise, like my neighbors slamming doors and hollering, the dog madly chased a squirrel with his teeth gnashing, I heard a scream in the night, I would be reduced to inconsolable tears, sometimes shaking, paralyzed with inexplicable grief and unable to think or work. Dr. Mary called to tell me I was suffering from acute post-traumatic stress syndrome. My first husband Peter had died after an excruciating blood disease in 1976.

Dr. Mary asked gentle but probing questions as it did not seem to her that the death of my husband Peter quite explained the severity of my reactions, especially after so many years. I then told her that in the years I was married to Peter, he lied to me, he brainwashed me into thinking I was stupid, ugly (yet he was incurably jealous) and beat me so severely that once when I took him to the Emergency Room for his monthly blood transfusions, the ER staff thought I was the one being admitted – I lied and said I had been in a car crash. I told Dr. Mary more about his brutality, about his extraordinary talent (and mine) for not letting the rest of the world know.

Dr. Mary then told me about this wonderful female psychiatrist with whom she was scheduling an appointment for me the very next day. There would be a group of PTSD counselors and support groups with whom appointments would be made. It was at a medical clinic where physicians, dentists, nurses, donated their time to provide medical, dental and, for those qualified to do so, psychological care for battered women and their children, on a sliding scale.

The clinic was also a "one-stop shopping" center. They provided vouchers for daycare and had law students who matched clients with pro bono lawyers to handle the legal issues of battered women. Hairdressers gave free hair styling services at their salons. At the clinic, I would find out about websites, foundations that arranged for pampering dinners out once a month, fly-fishing retreats, golf tournaments to raise money for shelters, transitional housing, children's "fun" events and even an annual run/walk in our town to raise money for battered women's shelters. I thought I was dreaming.

I met with the psychiatrist "Dr. Stephanie Milstein" the next day, with my current husband Robert. She patiently sat with us for over an hour, compassionately explained that I was not alone and that my "prognosis" was good. She explained all of the services and care that were going to be availed me. She gave me a reading list, told me to keep a file, a diary, gave me names of support groups, of organizations that provide nurturing services to domestic violence victims. She left the room to take a call. I turned to my husband and said "I didn't choose to be a battered woman." Both of our eyes welled. Because of sadness, but mostly out of extraordinary gratitude that I was – we were - going to be taken such good care of, I slept really well that night.

It was indeed a dream. In 1984, no Dr. Mary's or Dr. Stephanie's asked me about my relationship, my bruises, my black eye, the welt on my head. The clinic, the center, the support and services did not exist. But my first husband's brutality was no dream, rather, it was indeed a living nightmare.

The real "Dr. Mary" in fact called me a July night in 2004, it was to tell me that I was diagnosed with Invasive Ductal Carcinoma, the most common kind of breast cancer, and that she was scheduling an appointment with a breast surgeon Dr. Stephanie the very next day.

Dr. Stephanie patiently, compassionately met with us for over an hour, giving us resources, telling us about my surgery, appointments with the oncologist and others who would be involved in my care. It was a model of caregiving. She then left the room for a few moments. I turned to my husband and said, "I didn't choose this." I thought, "I didn't choose to be a battered woman either."

When Dr. Mary called me after our meeting with Dr. Stephanie, she asked sympathetically how I was doing. My response was simple, "I'm doing great. I'm obviously in great hands. After being beat up by my first husband this sounds like a cakewalk. If only the medical profession – and the rest of the community – paid 1/100th the amount of attention to battered women as they do to cancer patients, it would be revelatory." Dr. Mary sighed and agreed.

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Legislation supported by CCADV that passed

Intercept Payments to Satisfy Certain Obligations

Directs the treasurer to offset court fees, child support, delinquent taxes and restitution with unclaimed property. Uses existing priorities for offsetting multiple debts. Provisions of the bill apply only when at least \$600 is owed.

Unemployment Benefits for Domestic Abuse

Changes from "and" to "or" the requirements for evidence of domestic abuse in order to receive unemployment benefits. Claimants will be able to provide police report/protection order OR proof of counseling. Exempts the claimant from the work search requirement for 15 business days.

Task Force on Trafficking Persons

Creates a task force on trafficking in persons. Amended to add the governor, a sheriff, COVA, CCASA, and CCADV to the task force.

Housing Issues for Victims of Domestic Violence

Creates an exception to eviction if the lease violation was a result of domestic violence. Allows a victim to terminate a lease agreement for domestic violence, but requires one month's rent payable in 90 days. Preserves a landlord's right to seek judgment against the perpetrator of violence.

Privacy for Domestic Violence Shelters

Resolves that the state's law regarding confidentiality takes precedent over federal HUD regulations that require transmittal about individuals in shelters.

Note: This is not a statute but a resolution. As such, it does not carry the force of law but clarifies that the state's law providing privacy rights to domestic violence shelters supersedes HUD requirements.

Family Friendly Courts Act

Defines "family-friendly court services" to mean child care & court-related family services including mediation, child care, supervised parenting time, transfer of physical custody of children and information on fatherhood programs. Declares that "family-friendly courts" are beneficial. As amended allows grants from the family-friendly cash fund to be provided when specific information regarding the extent of need for the services is outlined in the grant.

Criminal Procedures Omnibus

Makes several changes to Colorado criminal procedures. Allows law enforcement to take a person arrested for violation of a protection order to jail in the county where the order of protection was issued. Permits a charge of violation of an order of protection to be tried either in the county where the violation occurred or in the county where the protection order was issued.

Legislation opposed by CCADV that passed

None!

Legislation supported by CCADV that failed

Alternative Base Period for Unemployment Insurance Benefits

Would create an alternative base period for purposes of qualifying workers for unemployment benefits. Defines the alternative base period as the last 4 completed quarters preceding the benefits period.

Status: Vetoed by the Governor.

Legislation opposed by CCADV that failed

Changes to Gun Show Requirements

Would delete the phrase "or attempts to transfer" from the requirement that a gun show vendor first obtain an instant background check before transferring a firearm at a gun show. Would also repeal the definition of "collection" and modify the definition of "gun show".

Denial of Services to Undocumented Residents of the United States

Would require people to prove through valid documentation that they are legally present in the United States before being permitted to access public services or benefits. This does not include police and fire protection, kindergarten through twelfth grade education, incarceration, and emergency health care. Would also require all state and county agencies to keep records of documentation provided by the individuals seeking services.

For more information, please contact Twanna LaTrice Hill, CCADV Public Policy Director at 303.831.9632 or thill@ccadv.org

Responding to the Gonzales Case

By Randy Saucedo

Like many of you, I was horrified in June 1999 when Simon Gonzales, in violation of an order of protection, kidnapped his three children, purchased a firearm, shot them to death, then drove to the Castle Rock Police Department and fired on the building. In the ensuing gun battle, police officers killed Simon. Moments later, officers were shocked when they discovered the bodies of Simon and Jessica's children Rebecca, Katheryn and Leslie in the front seat of their father's pickup.



Despite her overwhelming grief, the children's mother, Jessica, demanded accountability of her government and sued the Castle Rock Police Department for violating her rights and those of her deceased children. This legal challenge ultimately reached the United States Supreme Court and became a pivotal moment for domestic violence victims.

At issue in the Supreme Court Case *Town of Castle Rock, Colorado v. Jessica Gonzales* was whether victims of domestic violence have the right to sue if their local governments fail to protect them and their children from batterers. The Supreme Court ruled that Jessica Gonzales could not sue her police department for the failure to enforce a protection order. There has been a great amount of legal analysis of this decision, but as victim advocates, it is important to remain focused on the usefulness of protection orders.

One of the tenets of victim advocacy is to provide safety planning for victims of domestic violence and their children; the use of protection orders is part of that plan. Today, every jurisdiction in the Union, Territory and Tribal Nation Court not only has the authority to issue an order of protection, but also is required by federal law to enforce orders issued by other jurisdictions. Despite the Gonzales ruling, nothing has changed regarding the issuance and enforcement of civil and criminal protection orders in the state of Colorado. Colorado state law regarding orders of protection have not changed. CCADV is working to ensure the Gonzales ruling doesn't have a negative impact on the public and law enforcement perception of the effectiveness of Protection Orders in the state of Colorado.

In the wake of the Gonzales ruling, CCADV engaged in a public relations campaign to notify and remind the public of the usefulness of protection orders. We were also steadfast in our criticism of the Castle Rock Police Department in their response to Ms. Gonzales pleas for help that very tragic evening. We believe that had the police department taken her seriously and provided reasonable steps of enforcing her order, the murders may have been prevented.

CCADV, like many other non-profit advocacy groups in the nation, was part of the legal response and support of Ms. Gonzales' argument but were also progressive in reaching out to law enforcement to collaborate on this issue.

Prior to the Court's ruling, CCADV and Project Safeguard had partnered with the Denver Police Department to provide "Roll Call Trainings" to line officers on protection orders. The intent was to provide street officers with the recent changes in the law regarding protection orders, the current academic research on their effectiveness and the ramifications of the Gonzales ruling. Valerie Jarstad of Project Safeguard, Denver Police Detective Dave Belue and CCADV provided 10-12 minute trainings at all six police substations, beginning sometimes at 6am and ending at midnight. The trainings were successful in not only the delivery of information, but also in the feedback received from officers about protection orders and their views on domestic violence.

During our media response to the Gonzales case ruling, it was important to let the public know the usefulness and effectiveness of protection orders. Several academic studies, including one from the American Medical Association, revealed that women that obtained permanent orders were less likely to have further contact with the perpetrator or require police intervention than those women who did not receive an order. This was evident in a study done in the 17th Judicial District in 2004.

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Retrograde Motion cont.

When I received TLC from the Cancer Center, I was always greeted with cheer and tremendous support. I managed to laugh my way from one treatment to the next with my "chemo" buddies. Then when I started radiation, it was like I was going to a spa. Every Thursday, oncological masseuses (free of charge to the patients) were on hand to give soothing, compassionate, peace-inducing massages. No dream.

Cancer patients deserve all of this and more. I am convinced that my treatments, prognosis and recovery have been so utterly successful due to the extraordinary support of the medical community, my wonderful family, and of all of the other extraordinary supporters out there, not the least my co-workers. Missing work for surgery, treatment, and recovery, I wasn't at risk of losing my apartment or my job, as are some victims of domestic violence.

But - if only. If only battered women could be pampered with even a fraction of the support that the cancer movement inspires and that the model programs provide, the impact would be incalculable. My journey, and those of others, would not have been, and would not be, along a dimly-lit, lonely and uncharted course.

Betty Wytias is an Assistant Attorney General in the Colorado Attorney General's Office. She represents the Colorado Board of Medical Examiners, and is the AG's Office Domestic Violence Policy Advisor.

GONZALES Cont.

As advocates, we know that protection orders are *part of a larger safety plan* and that protection orders alone may not stop the violence or contact from the abusers. We hear often of the failures of protection orders. Certainly, nothing may stop a determined criminal bent on committing a crime. However, most abusers, after being served with an order or having one sustained against them, will leave the victim alone.

Protection orders are a useful and viable option for victims of abuse and we must be vigilant in their use. Their success is based on their accessibility, their enforcement, and the support of the community. The failure of these orders is rooted in the myth that women only use them as revenge and that they are "only a piece of paper."

I remember a specific incident when I was advocating for a client and the judge told me that the order was only a piece of paper. My response was "Your Honor, so is the Constitution."

For more information, please contact Randy Saucedo, CCADV Advocacy Director, at 303.831.9632 or rsaucedo@ccadv.org

CCADV WELCOMES JORGELINA KARNER

CCADV would like to introduce Jorgelina Karner as its newest staff member. On June 15th, Jorgelina joined CCADV as the Safety and Accountability Audit Coordinator. In August she attended the week-long Safety and Accountability Training in Duluth and is now completely immersed in the work of the safety audits.

Jorgelina recently moved to Colorado from New York City. She holds a BS degree from Mercy College in New York and has completed work towards a CASAC (alcohol and substance abuse counselor certification).

Prior to moving to Colorado, Jorgelina worked as an advocate and CPS liaison at My Sisters' Place in Westchester County, NY. There she collaborated with Child Protective Services to develop a protocol to be followed by the two agencies. At the completion of the protocol, she trained Departments of Human Services on it, focusing on child protective services workers, supervisors and managers. During her career, Jorgelina has also worked closely with VAWA recipients.

Of her work Jorgelina states, "I have a personal commitment in my life and that is to continue my personal growth through community involvement and social change. My dream is to see the benefits of VAWA at the fingertips of every single woman out there who qualifies and walks around in fear and silence."

Upcoming Trainings & Events

The annual **Rural Issues Retreat** will be held on September 14th in Glenwood Springs. This retreat is an opportunity for advocates to get additional information and training pertinent to rural realities and also to connect with advocates from other rural areas. This year's retreat will include workshops on: 1) setting up a financial literacy program in your community; and 2) lessons learned from the Safety and Accountability Audits. The retreat will also include a fun afternoon activity that will hopefully re-fresh and re-energize our hard-working advocates.

The 2005 September **Statewide Meeting** will be held on September 15th and 16th in Glenwood Springs. The meeting is designed to bring about awareness regarding the role religion, faith, and spirituality play in the lives of victims of violence and abuse. The meeting is further designed to develop effective strategies for advocates and professionals who work with victims.

Attend the **Domestic Violence Awareness Month Rally** on October 3rd between 11:30 to 12:30 on the West Steps of the Colorado State Capitol.

The **Leadership Institute for People of Color** is a free full-day training that will be held on Wednesday, October 19th in Colorado Springs, CO. The Institute is an opportunity for advocates of color to come together and learn from each others' experiences on how to integrate racial justice into their work to end domestic violence.

The **Advanced Training Institute** will be held on October 20th and 21st in Colorado Springs, CO. This free one-and-a-half-day training will cover basic and advanced media skills for activists and community organizers.

Legal Privilege cont.

The best service that domestic violence programs can provide to victims is to honor victims' confidential information. Domestic violence programs should embrace the privilege of confidentiality, and ensure that their programs and policies provide the highest level of protection for victim information. CCADV recognizes that there are hard issues that programs face when it comes to demands for information. But we can help you sort through the hard questions and provide the best, most legitimate protection for confidential client information.

CCADV STAFF

- *Administrative Assistant:* **Bayonne Holmes**, ext. 10
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- *Development Director:* **Joy Learman**, ext. 19
- *Executive Director:* **Trish Thibodo**, ext. 18
- *Information & Technology Director:* **Jennifer Lynch**, ext. 22
- *Office Manager:* **Jane Klostreich**, ext. 16
- *Public Policy Director:* **Twanna LaTrice Hill**, ext. 15
- *Safety & Accountability Audit Coordinator:* **Jorgelina Karner**, ext. 23
- *Training & Technical Assistance Director:* **Christine Loredo**, ext. 20

CCADV BOARD OF DIRECTORS

Executive Committee

- *Co-Chair (Rural):* **Tara Kane**, Family Crisis Services – Fremont County
- *Co-Chair (Urban):* **Jana Loveall**, AMEND – Denver County
- *Secretary:* **Natalie Hicks**, Crossroads Safehouse – Larimer County
- *Treasurer:* **Yolanda Morales**, S.H.A.R.E. – Morgan County

CCADV Committee Board Representatives

- *Anti-Racism Alliance:* **Veronica Garcia**, Colorado Anti-Violence Program – Denver
- *Children Advocacy Committee:* **Open**
- *Development Committee:* **Open**
- *Legislative Committee:* **Open**
- *Queer Advocacy Committee:* **Lynne Sprague**, Family Tree/Women in Crisis – Jefferson County
- *Region I (NE Colorado):* **Jacque Morse**, SHARE – Morgan County
- *Region II (Metro Denver):* **Kimberly Wallace**, Alternatives to Family Violence – Adams County
- *Region III (SE Colorado):* **Open**
- *Region IV (Western Colorado):* **Pat Tessmer**, Advocates Crisis Support Services – Moffat County
- *Rural Issues Committee:* **Cheryl Beene**, Renew – Montezuma County
- *Survivors' Task Force:* **Nancy Duke**, T.E.S.S.A. – El Paso County



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Colorado Coalition Against Domestic Violence (CCADV) is a not-for-profit organization, dedicated to the prevention and elimination of domestic violence in all of its forms.

Members of CCADV include shelters, safehouses, counseling & advocacy programs, and concerned individuals. The staff at CCADV provide information and referrals, trainings to organizations and individuals, and work on the development of public policy and legislation.

SAVE THE DATE

OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH.

To kick off the month CCADV will host a rally on Monday October 3rd from 11:30-12:30 on the west steps of the Colorado State Capitol.

- Please come
- Wear purple
- Bring banners and signs
- Tell your friends to do the same

