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March 10, 2003

Judiciary Committee  
Nevada State Assembly  
Legislative Building  
Carson City, NV 89710

Members of the Judiciary Committee,

Thank you Chairman Anderson and distinguished members of the Judiciary Committee. My name is Wendy Kameda; up until I retired on December 31, 2002, I was a domestic violence attorney for Clark County Legal Services Program, Inc. My position was funded through a Department of Justice Civil Legal Assistance grant to assist low-income residents of Clark County whose protection orders were being violated by their abusers. I am here today to speak in favor of those provisions of AB 160 that would allow a Nevada court to waive the existing publication requirement for a legal name change under certain circumstances and would require that a wage assignment issue at the time child support is ordered in an Extended Order of Protection Against Domestic Violence.

1. Modification of the Nevada Statute for Legally Changing Your Name

In 1999, the Social Security Administration articulated its policy to assist victims of family violence in obtaining new social security numbers, stating "[s]ometimes the best way to evade an abuser and reduce the risk of further violence may be to relocate and establish a new identity." SSA Publication No 05-10093, June 1999.

N.R.S. § 41.280 currently requires that an applicant for name change publish his present name and the name which he desires to bear in the future in a newspaper of general circulation in the county, once a week for 3 successive weeks.

For survivors of domestic violence, changing names may be a means of last resort to escape continued abuse or harassment. Requiring the publication of a victim's current and future name in the newspaper allows an abuser to track the victim, from county to county, and state to state. Therefore, victims are discouraged from using this process and turn to other means, including simply assuming false identities. One obvious problem with an assumed identity is that a victim who cannot provide proof of identity suffers difficulties or delays in receiving the very Federal and State services intended to benefit victims. This morning you will hear testimony confirming this, by a letter from one such survivor and domestic violence advocates.

AB 160 would give Nevada judges the discretion to waive the publication requirement upon a showing that such publication would place the applicant's personal safety at risk. In enacting this provision and safeguarding the identity of such applicants, Nevada would be acting in a manner consistent with the Social Security Administration and Arizona, California, Colorado, Michigan, New Mexico, New York, and Washington, states that have considered this issue and modified their statutes accordingly. Relevant excerpts from some of these state statutes are contained in Exhibit A to my testimony.

ASSEMBLY JUDICIARY  
DATE: 3/10/03 ROOM: 3158 EXHIBIT P  
SUBMITTED BY: W. KAMEDA

10512

2. Enforcement of Extended Protection Orders containing an award of Child Support

N.R.S. § 33.030 gives a court the authority to order a noncustodial parent to pay child support in Extended Protection Orders Against Domestic Violence. However, some noncustodial parents are using court-ordered child support payments as economic leverage to continue their harassment and manipulation of a victim. At present, any method available to victims to enforce a child support award after payment is not forthcoming (that is, retain an attorney or try themselves to have the noncomplying parent held in contempt, or apply for the services of the local child support enforcement agency) entails time, expense and delay. This inability to initiate quick enforcement of child support awards undermines the validity of the protection order for the noncomplying parent, while subjecting the victim and the victim's children to untold financial and personal hardship.

I understand that AB 160 raises a host of concerns for both the Child Support Enforcement Program and various employer groups. However, these concerns relate to the manner in which child support is calculated and the wage assignment is carried out and not to the underlying issue of whether a wage assignment should issue concurrently with the order for child support. I have spoken with representatives for both groups; to address their concerns, I propose the amendments to AB 160 contained in Exhibit B to my testimony. However, I believe that we are in substantial agreement on the following:

1. The income assigned for child support should be sent to the State Collection and Disbursement Unit; the Child Support Enforcement Program of the State Welfare Division will assist the Court Administrator in the development of a simple application form that the clerk of the court, TPO office or other entity can then make available to a victim to quickly "open" an enforcement file in NOMADS.
2. The Income Assignment Notice form should be consistent with the Federal and State Income Withholding Notice; the Child Support Enforcement Program of the State Welfare Division will assist the Court Administrator in any required modification of its form, that the clerk of the court, TPO office or other entity can then make available to a victim to enforce the child support order.
3. To avoid ambiguity, provisions concerning the calculation of child support and the obligations of the recipient of the Notice and penalties for noncompliance should refer to or mirror the relevant existing provisions of the Nevada Revised Statutes.

Thank you for your consideration of my testimony and I will be pleased to answer any questions you may have.

Respectfully,

Wendy R. Kameda

EXHIBIT A

Relevant Language From The Name Change Statutes Of Other States

Arizona: Arizona's statute gives its court discretion in whether to require publication.

"A. *If upon the filing of the application for change of name, the court deems it proper that notice be given, it may order that notice of the application be given by publication or by service upon any party interested.*"

A.R.S. § 12-602 (2001) (italics added)

California: California's statute creates an exemption from the requirement that the proposed new name be published for victims of domestic violence.

"(b) Where the petition for a change of name alleges that the reason for the petition is to avoid domestic violence ... the petition, the order of the court and the copy published ... shall, in lieu of reciting the proposed name, indicate that the proposed name is confidential ... ."

Deering's California Codes Annotated, Cal. Code Civ. Proc. § 1277

Colorado: Colorado's statute exempts victims of domestic violence from the publication requirement.

"(2) Public notice of such name change through publication ... shall not be required if the petitioner has been

(a) The victim of a crime, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence ...."

C.R.S. § 13-15-102

New Mexico: New Mexico's statute exempts victims of domestic violence from the publication requirement.

"B. If the court finds that publication of an applicant's name change will jeopardize the applicant's personal safety, the court shall not require publication." N. M. Stat. Ann. § 40-8-2

New York: New York's statute creates an exception from the publication requirement, where publication would jeopardize an applicant's personal safety.

"If the court shall find that the publication of an applicant's change of name would jeopardize such applicant's personal safety, the provision ... requiring publication shall be waived and shall be inapplicable."

N.Y. CLS R. § 64-a.

EXHIBIT B

Proposed Amendments to AB 160

Delete Sections 1 through 16, in their entirety.

Proposed New Language to N.R.S. § (2) (b) [essentially, a paraphrase of N.R.S. § 31A.025]

"Any order of the court for the support of a minor child shall include an order directing the assignment of income for the payment of the support unless the court specifically finds good cause for the postponement of the assignment. A finding of good cause must be based upon a written finding by the court that the immediate assignment of income would not be in the best interests of the child. (The amount of the assignment of income shall be determined by Chapter 125B of the Nevada Revised Statutes, and the enforcement of the assignment will be done under the provisions of Chapter 31A of the Nevada Revised Statutes.)

The Welfare Division of the Department of Human Resources and the Judicial Council of the State of Nevada shall work together with other interested State and local offices and agencies to develop the procedures and forms needed to allow the assignee to enforce any such assignment in an expeditious and safe manner."

March 10, 2003

Judiciary Committee  
Nevada State Assembly  
Legislative Building  
Carson City, NV 89710

Members of the Judiciary Committee,

My name is Carolyn Muscari and I am a domestic violence victim advocate employed by SAFE House, a domestic violence service provider. I am before you today to provide testimony regarding the issue of wage assignment for child support at the Temporary Protective Order phase of a victims desire to separate herself from an intimate partner who is perpetrating abuse against her.

On a daily basis, I work with victims of domestic violence who are faced with a myriad of barriers to overcome in their desire to escape violence and abuse that is inflicted upon them. As you well know, one step in this arduous process is to secure a Temporary Protective Order. This legal tool is designed to assist them in securing distance and safety from their abuser, the value of which cannot be overstated. However, for so many married women with children the issue of the financial responsibility of the perpetrator for his children is not addressed appropriately at this juncture. Consequently the inability to secure appropriate and necessary child support becomes a tremendous barrier for women who are making the first and usually most difficult step in escaping the violence. For example; in a recent case, the perpetrator was ordered to pay my client \$350.00 per month for 3 children. Over the past 6 months he has paid the support only 3 times, each time in open court in front of the judge. Several weeks ago he informed my client that he would simply no longer pay the support. His refusal to follow the court order leaves her with no support for her children and forces her to again initiate the court process to hold him in contempt of a court order. As we know, this process can take several months and, meanwhile, she is left destitute.

Based on my experience of working with victims of domestic violence and their children, I strongly urge you to consider child support issued in a TPO hearing to be enforceable immediately through wage assignment at the time of TPO issue. In addition to providing necessary and appropriate support for

women attempting to care for their children in safety, it reduces additional and unnecessary steps involved in navigating the system to provide this support. For so many women, the barriers of ongoing court paperwork and hearings and waiting incurs additional and tremendous burdens for them to overcome just to obtain financial support for their children. In so many cases, our clients, these victims and their children are penalized via their ongoing navigation of the judicial system and the time they are forced to invest (time away from work or additional day care costs, securing transportation just to name a few) to obtain relief and support in their desire to secure safety and stability for themselves and their children. These additionally burdens and barriers to secure child support are unnecessary particularly when there is a potential mechanism in place- immediate wage assignment at the time of TPO hearing and approval.

I urge you to consider the best interest of the lives of victims and their children and make the appropriate decision to insure that child support is issued at the level of TPO to be enforced immediately through wage assignment.

Thank you

By Anonymous

March 4, 2003

I am a domestic violence survivor who lived in Las Vegas for five years and escaped from there in February of 1996. Since that time, in order to ensure my safety, I have been living underground with an assumed identity.

Because of the laws, I did not go through the legal channels in Nevada to change my name or identity. To have done so would have placed myself in lethal danger from my abuser. If I, or any domestic violence victim, is required to publish our names in the newspaper or any public place, this means that our abusers can find us and kill us.

It is true that some abusers will not go so far as to look up their victims' names in a publication. Not every abuser is a killer. However, many of them are. One has only to look at the statistics to see the number of women that are killed every year by their abusers to know the jeopardy that women put themselves in when they finally break free.

In my case, my abuser also has relatives who work for the Internal Revenue Service and for the Social Security Administration and is a charming sociopath who can get information from them with ease. He has been in prison for murder in the past. There is another woman who has been in hiding from him for 20 years. These are not things one knows going in to a relationship, but once you realize them escape is not an easy matter. Laws that make your escape unsafe should not be a problem that one also must face.

When I escaped, there were no laws that would have kept my name out of the public records. So, I, as I am sure many others have done, chose a route that assured my safety whether it was "legal" or not. In 1998 the Social Security Administration, at least, did recognize that domestic violence victims had a legitimate reason to change their Social Security numbers. Unfortunately, they still link the new numbers to the old numbers. Does it not make sense to also provide some degree of safety to women who legally change their names to avoid domestic abuse?

My story? Maybe not such a happy ending. I have been safe for seven years, but now with the new security climate in this country, Social Security



has "found" me, although they haven't quite realized it yet. I have a lawyer and we'll be going in to the local Social Security office soon to confess my "crime." Then we will apply to the national Social Security program for a "legal" number, and I will go for a legal name change ... and face the distinct possibility that I'll be found and tortured to death.

TAMARA UTZIG

To: Judiciary Committee  
Nevada State Assembly  
Legislative Building  
Carson City, NV 89710

From: Tamara Utzig

Date: March 10, 2003

Good morning,

My name is Tamara Utzig. I have been a domestic violence victim advocate working for non-profit shelter organizations for the past 13 years. I am currently employed by Safe Nest, a non-profit domestic violence agency in Clark County Nevada.

Through the years I have worked with 1000's of victims of domestic violence, many in highly lethal situations. I can count on one hand the number of victims I have encountered, that have opted to change their name or identity to make them safe. Although the premise sounds appealing the process of publishing the name change discounts all aspects of safety planning.

When a victim is trying to hide from an abuser, she does everything possible not to leave a paper trail.

I would like to read a letter from a victim that recently contacted me. She has been living under an assumed identity for 7 years. Because this victim has a government job and homeland security has increased, background checks are being reviewed and more closely scrutinized. Discrepancies have been discovered in her history.

This victim is more frightened of her abuser finding her than the loss of her employment.

By Anonymous

March 4, 2002

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My story? Maybe not such a happy ending. I have been safe for seven years, but now with the new security climate in this country, Social Security has "found" me, although they haven't quite realized it yet. I have a lawyer, and we'll be going in to the local Social Security office soon to confess my "crime". Then we will apply to the national Social Security program for a "legal" number, and I will go for a legal name change.... and face the distinct possibility that I'll be found and tortured to death.

Next I would like to address the issue of confidentiality. Ms. Hamm is with me today to speak on this issue. I have been advocating with Ms. Hamm for the past year. We have been through the criminal justice system twice, numerous court appearances in family court on custody, visitation, child support, restraining order, and violation of restraining order issues. Most recently, I was able to accompany and support her through the mediation process.

These systems impact the most critical and intimate issues in a person's life. An advocate is there to offer support during extremely emotional times. Defusing a crisis, planning strategies regarding safety and venting frustration. A victim needs access to a professional domestic violence advocate to discuss actions and consequences, without the possibility of these conversations becoming incriminating, being used against her or jeopardizing her safety.

I thank you for listening and allowing me to testify before you today.

March 10, 2003

Judiciary Committee  
Nevada State Assembly  
Legislative Building  
Carson City, NV 89710

Members of the Judiciary Committee,

My abuser, Jeff Zang, and I have been in and out of a relationship for over 15 years. He is a manipulative liar who has learned how to use the system to his advantage.

Jeff uses mental manipulation of our children to get back at me and I am very afraid for their safety and well being. He was ordered to have a psychological evaluation done before he had any visitation with them and he has never done it. He also didn't show up for scheduled mediations twice, and yet after all this he has never even gotten so much as a slap on the hand. The psychological evaluations of our children by their doctor even recommended supervised visitation. This has not happened because Donna's House insists that I be the one to pick them up afterward and my work schedule does not permit this. They will not allow my fiancé to pick them up instead.

The verbal, mental and physical abuse Jeff inflicted (?) on my son was brutal. My son tried to commit suicide three times and was in Monte Vista for one month. I have all the record showing that Jeff was the cause of his mental state. Jeff even got drunk one night and fell asleep at the wheel with my son in the car. He drove off the road over a sign and almost off a cliff up at Mt. Potosi. To this day my son, now 21 yrs. old, wants nothing to do with Jeff Zang.

I have spent a lot of time in Church trying to find a way to forgive him or even to find peace within my soul to make sure I didn't go crazy and do something stupid. I honestly believe that Jeff Zang is truly crazy and a danger to me and my children. It seems as though it doesn't matter how much evidence I supply to prove this, it's never enough.

Tammy has been a wonderful person to talk to when I had no one to confide in. Calmed me down when I got frustrated with a system that wasn't working for the victims of this case. Tammy has always been there at any time day or night. She has gone to court with me for support. She even went with me to my mediation hearings

I really appreciate the confidentiality concept since I know I can be completely honest with her and not worry about her testifying against me. Not that I have anything to worry about, but in a moment of frustration people say dumb things they don't really mean. Let me tell you this is definitely one of the most frustrating cases anyone has ever seen. That I can guarantee. I had so many things in our history I couldn't even tell my friends and family because I was afraid they would make matters worse by retaliating against Jeff. I have tried my best to keep most of this only in the court since I have children and I didn't want them involved in adult issues.

Thanks to Tammy's help and support I now have a permanent TPO in place. I go back to court on March 4,2003. I will have the comfort of knowing that Tammy will be there by my side to help me through this very trying time for me and my children.

Sincerely,

Brenda Hamm