

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.



BRIAN SANDOVAL
Attorney General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

1325 Airmotive Way, Suite 340
Reno, Nevada 89502
Telephone (775) 688-1818
Fax (775) 688-1822
ag.state.nv.us
E-Mail: aginfo@ag.state.nv.us

ANN WILKINSON
Assistant Attorney General

March 10, 2003

Assemblyman Bernie Anderson
Chairman, Assembly Judiciary Committee
Nevada State Legislature
401 S. Carson Street
Carson City, Nevada 89701

Re: AB 160

Dear Chairman Anderson and Committee members:

The Attorney General's Office strongly supports AB 160 because it makes important improvements to Nevada's laws concerning victims of domestic violence. The bill fills three gaps in Nevada's laws: (1) it requires a court to order an automatic wage assignment when support is awarded as part of an extended order for protection against domestic violence; (2) it authorizes a court to seal records and waive publication requirements concerning a name change involving a person whose safety is at risk; and (3) it creates a privilege for communication between victims of domestic violence or sexual assault and their advocates. Each aspect of this bill provides valuable protection to victims of domestic violence who are trying to escape their abusers.

Automatic wage assignment is critical because victims of abuse need immediate access to support so they can maximize their opportunities for obtaining alternate shelter, providing food, clothing and school supplies for their children, arranging transportation, and generally establishing a safe new existence for themselves and those in their care. Without automatic wage assignment, support provisions in extended orders are either unenforced or not enforced in a timely fashion. Either way, victims of domestic violence are deprived of a vital resource because their protection orders containing support provisions expire before they receive any payment.

Confidentiality in name changes is equally important to victims of domestic abuse who are attempting to start a new life without threats and violence. To facilitate their transition to this new life, some victims of domestic violence choose to change their names. Current Nevada law

ASSEMBLY JUDICIARY

DATE: 3/10/03 ROOM: 3138 EXHIBIT U

SUBMITTED BY: NANCY HART

1 of 2

requires a person to publish their former name in the newspaper along with their new name. Obviously, this requirement can place the victim in fear and danger, as the legal notices in the paper can enable the abuser to determine the victim's location and potentially track her down. With internet access to newspapers, this risk is quite real. Nevada law should be changed to permit a person seeking a name change to do so without publication if the person's personal safety is at risk by putting it in the newspaper.

Creating a privilege for communication between victims of domestic violence or sexual assault and their advocates is crucial for victim safety. Many victims contact advocates at local victim service programs, for support, resources, counseling, information, etc. Without privilege, the communication between the victim and her advocate cannot be kept confidential. In fact, advocates in Nevada have been subpoenaed to testify against victims, and there is no clear statutory authority to protect victims from having their advocates testify. Victim service programs presently have no adequate legal basis for declining to reveal the identity of victims and the content of conversations with victims. In a recent case in Massachusetts, a non-profit victim service organization was found in contempt of court (and faced threatened fines of \$500 per day) for refusing to hand over the counseling records of a 16 year-old rape victim. The consequence of not having privileged communications is that abuse victims who are seeking assistance and safety cannot feel confident that the program (let alone the criminal justice system) will actually be able to protect them. Community awareness of abuse is the first step to prevention and intervention. Similarly, disclosure by a victim is the first step to creating safety and freedom. Nevada law should provide for privileged communications between a victim and her advocate to promote disclosure in individual cases and to promote prevention and intervention on a policy level.

We would appreciate your favorable consideration of this bill. I will be available at the committee hearing to answer any questions that you or other committee members may have. Please feel free to contact me at any time if I can be of further assistance.

Sincere regards,

BRIAN SANDOVAL
Attorney General

By: Nancy E. Hart
NANCY E. HART
Deputy Attorney General
(775) 688-1955