

February 2, 2011

Advocates push for better protections for domestic-violence, rape victims

By Alison Knezevich

"West Virginia Coalition Against Domestic Violence"

"West Virginia Foundation for Rape Information and Services"

CHARLESTON, W.Va. -- Advocates for people hurt by domestic and sexual violence are pushing state lawmakers to close legal loopholes that can leave victims vulnerable to more dangers.

At a Capitol press conference Wednesday, members of the West Virginia Coalition Against Domestic Violence and the West Virginia Foundation for Rape Information and Services said they will focus this year on helping victims of stalking and sexual assault get protective orders, and creating penalties for abusers who restrain their victims.

They also want the state to extend unemployment benefits to those forced to leave their jobs because of domestic violence.

Many victims of stalking and sexual assault want protective orders, said Nancy Hoffman, state coordinator of the rape-information foundation. In most West Virginia cases, they won't get them.

The state only allows victims to apply for protective orders if they live with or have an established relationship with the offender, she said. A woman who is raped by her neighbor or on a first date doesn't have that option.

In 2009, 88 percent of adult victims of rape would not qualify for a protective order because they had no relationship with the offender, Hoffman said.

Many won't see the attacker brought to justice, either, she said. In 77 percent of sexual assaults reported in 2009, the suspect was never arrested.

A protective order for those victims could help keep them safe during the lengthy legal process, she said.

Acting senate president Jeff Kessler, D-Marshall, and Delegate Barbara Fleischauer, D-Monongalia, plan to sponsor legislation to create a new protective order for such victims.

Kessler, a former prosecutor, said lawmakers would "do everything that we can to close loopholes in the law."

Another proposal (SB310) would change the state's unemployment insurance program to extend benefits to victims who must leave their jobs because of domestic violence, sexual assault or stalking.

Economic security is directly linked to victim safety, said Angie Rosser, spokeswoman for the West Virginia Coalition Against Domestic Violence.

Many women must choose between poverty and safety, she said. They want to leave their abuser, but can't support themselves on their own.

"That's not a dilemma any one of us should have to face," she said.

If West Virginia changes its unemployment program this way and also extends benefits to workers

seeking part-time work, it could get \$22 million in federal stimulus money, Rosser said. But the state would have to make the changes by August, which is the federal deadline.

Another proposal (SB278 and HB2864) -- known as "Celena's Law" - would create a misdemeanor offense of unlawful restraint. The West Virginia Sheriffs' Association and the West Virginia Association of Counties back the legislation.

It was proposed by Celena Roby, a 33-year-old woman whose abuser trapped her in her bathroom when she tried to leave him in 2008.

"For 11 years, I was a puppet and my abuser controlled the strings," Roby said.

Experts say abusers often restrain victims to dominate and terrorize them. Because of a loophole, West Virginia's laws against kidnapping do not apply to those situations.

The Coalition Against Domestic Violence also supports proposals to prohibit discrimination based on age and sexual orientation. The group is seeking \$1.9 million in state funding to support services for domestic-violence victims.

Reach Alison Knezevich at alis...@wvgazette.com or 304-348-1240.