

Perspectives

The South Dakota Network Against Family Violence and Sexual Assault

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listening, understanding differences, building partnerships

2008 Family Law Legislation Enacted by the South Dakota Legislature

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(The author wishes to acknowledge the generosity of Fred Winkler who established a grant for research in Family Law. This report is made possible, in part, by the Fred Winkler grant and is made available on a "gratuitous" basis to the bench and bar of South Dakota.)

Sixteen Family Law related bills were enacted by the 2008 South Dakota Legislature. Each such bill was signed into law by Governor Rounds. The next two pages of this document set forth a very brief description of each bill. The following pages contain a more detailed discussion for each bill. The discussion of these new statutes is presented in the same order as the topics are presented in my Family Law Book. One Bill (HB 1135 permitting the filing of a stalking protection petition in magistrate court) went into effect on 2/20/08 upon an emergency basis. The remaining bills went into effect on July 1, 2008.

Brief Description of Each Bill

- ◆ Changes the "look back" period from 30 days to 12 months for "primary caregiver" consideration in temporary custody determination. HB 1088.
- ◆ Requirement of continued residence or military presence in state eliminated from jurisdictional residency requirement needed to bring action for divorce or separate maintenance. HB 1157.
- ◆ Abuse and neglect registry screening required for guardian ad litem and other advocacy specialists. HB 1073

- ◆ Names and addresses of both parents required in most applications for children and access to records made equally available to both parents. HB 1090.
- ◆ Language neutralizing custody placement presumptions incorporated into both the "in wedlock" (SDCL 25-5-7) and "out of wedlock" (SDCL 25-5-10) situations. HB 1093.
- ◆ Mediation provision revised so as to enhance likelihood of usage, with specific exceptions relating to domestic abuse set forth. HB 1099.
- ◆ Appointment of "Parenting Coordinator" authorized for assistance in custody disputes. HB 1096
- ◆ Rebuttable presumption against custody award created as to person with a proven history of domestic abuse. This broadens the existing statute (allowing history of domestic abuse to be proven in the absence of criminal convictions) and also authorizes judicial consideration of an arrest report and of the issuance of a protection orders. HB 1100.

...continued, pg. 4

Our Mission Statement
*Working Together to Promote
Victim Rights for a
Safer South Dakota*

ESPN Radio's Colin Cowherd comes to SD in June as Featured speaker at fundraiser for SDNAFVSA



On June 26, Colin Cowherd, ESPN Radio's host of "The Herd" came to Sioux Falls to benefit The Network. Avera Health Systems and Backyard Broadcasting- KWSN 1230 am radio- sponsored the events. Colin met with sports enthusiasts at the Avera Sports Institute prior to speaking to over 200 at an evening banquet at the Ramkota Exhibit Hall in Sioux Falls. During the banquet, a silent auction offered many great packages from different and generous contributors. On June 27th, Colin golfed with Backyard Broadcasting, Avera Health Systems and others until he finished his Sioux Falls visit at Champs restaurant where he was a guest host for a live show with Craig and John on KWSN radio. Watch for next year's event in upcoming Network newsletters!



THANK YOU!

The SDNAFVSA would like to thank the following for their contributions to the success of this event:

*Avera Health
Avera Sports Institute
Bakker Crossing Golf
Cabelas
Citibank
Colorado Technical Institute
Coca-Cola Bottling Company of SF
Communication Services for the Deaf
Express Sign Company
Fred Haar, Inc
KWSN Radio / Backyard Broadcasting
Sioux Falls Lewis Drug Stores
24/7 Fitness Center
Royal River Casino
Scheels
Sioux Falls Canaries
Sioux Falls Stampede
Sioux Falls Storm*

Staff Changes at The Network

We have had several staff changes since the last publication of this newsletter. Kathy Rutten left The Network and in response to her resignation, several of her job duties have been split up between several staff members, two who are new to the Network. Holly Moritz will be a victim advocate trainer on the law enforcement training team, as well as coordinating the Transitional Housing grant project. Gladys Hall, former director of Mitchell Area Safehouse, joined the Network as Grants Manager. She will be coordinating the STOP law enforcement training project, as well as the Grants to Encourage Arrest project. In June, Jackie Goosen joined the Network as Administrative Assistant. This is a part-time temporary position through the end of the year. She will be assuming many of the administrative duties that Holly had as well as conducting research and coordinating newsletter production.



Jackie Goosen & Gladys Hall

Welcome
to The
Network!

U-SaFety Program at the University of Sioux Falls

The U-Safety Program at the University of Sioux Falls is one of our newest member agencies. It is fully funded by a 3 year, \$300,000 grant from the Department of Justice, Office on Violence Against Women. Kirstin Fick is the full-time Safe Campus Advocate who administers and carries out the grant goals and objectives. The project is fully backed and supported by USF administration.

The focus of the U-Safety Program is on education and risk reduction in the areas of stalking, sexual assault, and dating/domestic violence on campus. They maintain community partnerships with the Rape and Domestic Abuse Center, the Sioux Falls Police Department, and the Minnehaha County State's Attorney's Office as well as maintain membership with The Network. The services they provide are free and confidential and include:

- ◆ •Classroom/Group Presentations
- Community-Wide Education
- Individual Counseling
- Group Counseling
- Consultation
- Referrals

One of the unique aspects of U-Safety is the *Don't Cancel Class Program*. Often, there are days when a professor is unable to be present for class because of other professional obligations or illness. This program offers faculty the option of the Safe Campus Advocate becoming a substitute for that particular class session at no charge. The Safe Campus Advocate collects assignments, takes attendance, and passes along other assignments for professors if needed, then uses the remaining time to provide information to the students on important topics relating to safe campus advocacy. This option provides the professor with opportunity to give students credit for attending class, while simultaneously granting an opportunity for the Safe Campus Advocate to introduce these important topics to students and make them aware of the presence and program features associated with the Department of Justice grant. *Don't Cancel Class Program* topics include:

- Stalking
- Sexual Assault
- Relationship Violence
- Clery Act
- General Information About The Grant
- Healthy Boundaries
- The Importance of Consent

Another unique aspect of our program is the Academic Advocacy. In this role, if a student has excessive absences or struggles being in class with someone related to current or past victimization, assistance is available for that student in configuring alternatives to allow them to continue to participate in the education.

Other target training groups/areas on campus are incoming students, returning students, residence halls (residence life staff and residents), athletics (coaches and athletes), all employees and, campus safety staff.

The program coordinated several activities for Sexual Assault Awareness Month in April 2008. The activities were the *Legend of the Clothes Line Project* display, *USF Denim Day*, hosted the Network's *Sexual Assault and Media Sensitivity* conference, and *Walk a Mile in Her Shoes* march which was co-sponsored with Rape & Domestic Abuse Center of Sioux Falls.

Additional projects include:

- ◆Creating the U-SaFety Program website
- ◆Increased hours of coverage for Campus Safety
- ◆Increased surveillance equipment in areas that might be ideal spots to target women on campus
- ◆Domestic Violence Training for local law enforcement officers
- ◆and, 24 hour U-SaFety Walk on campus.

The U-Safety Program has taken off with substantial gains over the past seven months. Getting the word out about the program throughout campus takes time. Both students and personnel are interested and excited to learn more about the topics.



Walk a Mile in Her Shoes was one event coordinated by U-SaFety for Sexual Violence Awareness Month in April, 2008.

2008 Legislation...

...continued from pg 1

Terminology of "visitation" replaced with "noncustodial parenting time." HB 1092.
Revision of language which allows a party to implement standard visitation guidelines. This includes authorization for implementation of visitation guidelines in a child support proceeding. HB 1130.

Enhancement and elaboration of sanctions for non-compliance with custody or visitation decrees. Imposition of sanction made mandatory for willful violation. HB 1097.

Marijuana use added to list of substances for which prenatal exposure constitutes abuse or neglect under SDCL 26-8A2(9). SB 69.

In A & N proceedings, ongoing verification through the 24/7 sobriety program (and through other measures) is authorized in situations involving use of alcohol, marijuana or other drugs/controlled substances. HB 1201.

Fingerprint Criminal Record Checks Required for Adoptive Parents. HB 1075.

Permits Petition for Stalking Order of Protection to be filed in a magistrate court with a hearing. HB 1075(W witan ncergency pRevisiocauslkinmitprect-a anap

GRANTS TO ENCOURAGE ARREST: SAFETY AUDIT

In September 2007, the South Dakota Attorney General's Office received a grant award from the Office of Violence Against Women under the Grants to Encourage Arrest program. The Network will coordinate this grant project as directed by the Attorney General's Office and the SD Division of Criminal Investigation with various sub grantee partners such as Sioux Falls Police Department, Minnehaha County Sheriff's Department, Lincoln County Sheriff's Department, and Rape and Domestic Abuse Center. As a part of the grant project, Rape and Domestic Abuse Center will be coordinating a safety and accountability audit with the other grant partners participating.

All grant partners traveled to St. Paul, MN in May 2008 and attended a week long seminar conducted by Praxis International on "Conducting the Safety and Accountability Audits". Praxis International has developed and pioneered the use of the Safety Audit process as a problem-solving tool for communities that are interested in more effective intervention in domestic violence cases. The Safety Audit is used by interdisciplinary groups and domestic violence advocacy organizations to further their common goals of enhancing safety and ensuring accountability when intervening in cases involving intimate partner violence. Its premise is that workers are institutionally organized to do their jobs in particular ways—they are guided to do jobs by the forms, policies, philosophy, and routine work practices of the institution in which they work. When these work practices routinely fail to adequately address the needs of people, it is rarely because of the failure of individual practitioners. It is a problem with how their work is organized and coordinated. The Audit is designed to allow an interagency team to discover how problems are produced in the structure of case processing and management.

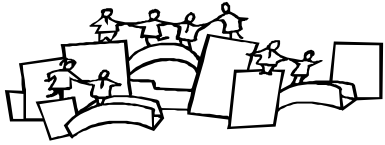
The Audit Safety Team will be a diverse team including ten members from Minnehaha and Lincoln Counties. Practitioners throughout the system including 911 operators, law enforcement, victim advocates, and those working with offenders are team partners. The team will conduct interviews, observe workers, participate in focus groups and conduct text analysis.

Alicia Alvarez is the Audit Coordinator employed with Rape and Domestic Abuse Center in Sioux Falls, and Gladys Hall is the Grants Manager with The Network office responsible for the administration of the Grants to Encourage Arrest Project. For further information, contact Alicia at 339-0116 or Glad at 731-0041.

Immigration Legal Services

Lutheran Social Services Refugee and Immigration Services in Sioux Falls have attorneys available to assist with a multitude of immigration related issues, including services specifically for victims of domestic violence, sexual assault, dating violence and stalking. For further information, contact Sandi Haeuszer at LSS at 1-800-973-5764. These services are made available through a grant provided by the Office of Violence Against Women.

On September 13th, men from all walks of life will walk a distance in women's high-heeled shoes from the Capital Building of Riverside Park to the main stage of RibFest on Third Street to protest family violence and sexual assault. Proceeds from sponsored walkers in the event will assist Yankton Women's and Children's Center's violence prevention efforts, and rape crisis services provided to Yankton and neighboring counties. For more information, contact Yankton Women's & Children's Center, Emelie Haigh, YWCC Director, 665-4811 or Krysta Prior, FVC Coordinator, 665-1204.



WELCOME NEW MEMBERS!!

**VOA-Dakotas in
Sioux Falls**

**We are excited that you are a part
of The Network and look forward
to working and partnering
with you.**

**MARK YOUR CALENDARS!
Upcoming training opportunities:**

**Law Enforcement Training Team
September 15—Oacoma
October 8—Pierre-Training
Academy**

**SD Department of Social Services
Domestic Violence Institute
September 22, 2009
Sioux Falls, SD**

THE NETWORK AGENCY MEMBERS

**ARTEMIS HOUSE—SPEARFISH
605-642-7825 OR
1-800-999-2348**

**FIRST CIRCUIT CASA
PROGRAM—MITCHELL
605-996-1202**

**VOA-DAKOTAS—
SIOUX FALLS
605-271-8150**

**ARTEMIS HOUSE—
LEAD SATELLITE OFFICE
605-584-3560 OR
1-800-999-2348**

**GOODWILL INDUSTRIES—
SIOUX FALLS
605-731-1931**

**WATERTOWN RESOURCE
CENTER
605-886-4300**

**BC STOP DOMESTIC
VIOLENCE—MARTIN
605-685-6986**

**GREGORY COUNTY
SHELTER—BURKE
605-775-2220**

**THE WHOLENESS CENTER—
FLANDREAU
605-997-3535**

**BROOKINGS DOMESTIC
ABUSE SHELTER
605-692-7233**

**LUTHERAN SOCIAL SERVICES
OF SOUTH DAKOTA
605-357-0131**

**WINNER RESOURCE CENTER
FOR FAMILIES
605-842-2736**

**CATHOLIC FAMILY
SERVICES—SIOUX FALLS
605-988-3775**

**MISSOURI SHORES
DOMESTIC VIOLENCE
CENTER—PIERRE
605-224-0256**

**WOMEN'S CENTER/SHELTER—
YANKTON
605-665-4811**

**CHILDREN'S INN—
SIOUX FALLS
605-338-0116**

**MISSOURI VALLEY CRISIS
CENTER—CHAMBERLAIN
605-234-5155**

**WORKING AGAINST
VIOLENCE, INC—
RAPID CITY
605-341-3292**

**COMMUNITIES AGAINST
VIOLENCE AND ABUSE—LEMMON
605-374-5823**

**MITCHELL AREA SAFEHOUSE
605-996-6622**

**YWCA FAMILY VIOLENCE
PROGRAM—HURON
605-352-4952**

**DOMESTIC VIOLENCE SAFE
OPTIONS SERVICES—VERMILLION
605-624-5311**

**RAPE AND DOMESTIC ABUSE
CENTER—SIOUX FALLS
605-339-0116**

**EAST-CENTRAL CASA—BROOKINGS
605-697-6106**

**SAFE HARBOR—ABERDEEN
605-226-1212 OR
1-888-290-2935**

**FAMILY CRISIS CENTER—REDFIELD
605-472-3097**

**UNIVERSITY OF SIOUX FALLS
605-331-6613**

**A complete listing of
satellite offices can be
found on our website
www.sdnafvsa.com
under *Advocacy Resources***



The Network Leadership

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Vice President.....
Tanya Draper-Douthit
SecretaryCarol Rikken
TreasurerShana Flakus
Ex-Officia.....Shirelle Stadel
Executive Director
Krista Heeren-Graber
Financial Director
Lora Ronning
Rural Outreach Coordinator
Verzella Bauman
Legal Grant Coordinator
Liz Bara
Grants Manager.....
Gladys Hall
Project Administrator.....
Holly Moritz
Administrative Assistant.....
Jackie Goosen
President of Advisory
Board.....Joseph Holt

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SD Domestic Violence Hotline

Sioux Falls Office

605-731-0041

Office fax

605-977-4742

Toll free

1-800-670-3989

Website

www.sdnafvsa.com

MEMBERSHIP REPLY FORM

Please complete this form and return with your check to:
SDNAFV&SA, PO Box 90453, Sioux Falls, SD 57109
Phone 605-731-0041

Individual membership: \$35

Agency membership: \$175

Name _____

Organization (if applicable) _____

Address _____

City/State/Zip _____

Daytime Phone _____ Fax _____

E-mail address _____

I do not wish to join at this time, but I would like to support
SDNAFV&SA with the enclosed donation \$ _____