

## **MEMORANDUM OF SUPPORT**

### **ENSURE DOMESTIC VIOLENCE VICTIMS RECEIVE CLEAR AND COMPREHENSIVE INFORMATION ABOUT THEIR RIGHTS AND AVAILABLE RESOURCES**

A.5921 Weinstein/No Same As

The New York State Coalition Against Domestic Violence (NYSCADV) urges the New York State Legislature to ensure domestic violence victims understand their rights and available resources by **modifying current language into plain English, expanding the information provided and making the information available in four languages.**

Currently, law enforcement, prosecutors and the courts are required to make victims aware of their rights, of the expectations they may have to obtain assistance from the civil and criminal justice systems and of the remedies and resources available to them. Current law requires this information to mirror the statutory language verbatim, which is overly complex and contains a lot of legal terminology.

Simplifying the language used in these notices is critical because domestic violence victims are not typically represented by legal counsel when law enforcement responds to an incident call or upon their first appearances in family court seeking temporary orders of protection. In addition, victims who are experiencing trauma may have a more difficult time understanding their options and making the often difficult decisions required at the outset of abuse cases.

Finally, according to the 2016 United States Census, 24.0% of New York State's population speaks a language other than English and of those individuals, 37.6% report speaking English less than "very well." If domestic violence victims do not understand the information contained in the required notices, they will be unable to effectively engage with the court system and unable to take informed steps to support their safety.

**NYSCADV urges passage of this bill**, which amends the family court act and criminal procedure law, to:

- Require the language contained in the notice provided to domestic violence victims be substantially simplified with the use of short, declarative sentences, the use of personal pronouns, use of active voice, avoidance of legal terms and organization into easy-to-read bullets;
- Expand the notices to include information about mandatory arrests, temporary child support, court resources and the requirement that offenders surrender their firearms; and,
- Require, in addition to English and Spanish, the information be made available in Chinese and Russian.

#### **ABOUT NYSCADV:**

Established in 1978, NYSCADV is designated by the U.S. Department of Health and Human Services as the information clearinghouse, primary point of contact, and resource center on domestic violence for the State of New York. NYSCADV is responsible for supporting the development of policies, protocol, and procedures to enhance domestic violence intervention and prevention and also provides education and technical assistance to the network of primary-purpose domestic violence service providers statewide.

**For more information, contact: Joan Gerhardt, Director of Public Policy and Advocacy, 518.482.5465**