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DESCRIPTION

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Operator's Signature

10/16/03  
Date

2003 HOUSE JUDICIARY

HB 1461

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Richard Costa  
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10/6/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1461

House Judiciary Committee

☐ Conference Committee

Hearing Date 2-11-03

Tape Number	Side A	Side B	Meter #
1		x	8.5-30.1
Committee Clerk Signature <i>APinrose</i>			

**Minutes:** 10 members present, 3 members absent (Rep. DeKrey, Rep. Wrangham, Rep. Eckre)

**Vice Chair Maragos:** We will open the hearing on HB 1461.

**Rep. Niemeier:** Introduced the bill. Support. This bill is modeled after the Colorado statute.

**Vice Chair Maragos:** Thank you. Any further testimony in favor of HB 1461.

**Bonnie Palacek, ND Council on Abused Women's Services:** Support (see attached testimony).

**Rep. Kretschmar:** How often does this come up to change names.

**Ms. Palacek:** Under 50 a year.

**Vice Chair Maragos:** Thank you. Further testimony in support of HB 1461.

**Deb Draven:** Support (see attached testimony).

**Vice Chair Maragos:** Thank you.

**Dave Bliss, attorney:** Support (see attached testimony).

**Vice Chair Maragos:** Thank you.

Page 2

House Judiciary Committee

Bill/Resolution Number HB 1461

Hearing Date 2-11-03

Connie Hildebrand, representing the Association of University Women: Support.

Vice Chair Maragos: Thank you. Any further testimony in support? Any testimony in opposition? We will close the hearing.

Vice Chair Maragos: What are the committee's wishes in regard to HB 1461.

Rep. Delmore: I move a Do Pass.

Rep. Grande: Seconded.

10 YES 0 NO 3 ABSENT DO PASS

CARRIER: Rep. Galvin

Date: 2/11/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1461

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Grande

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	AB		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	AB	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	✓				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	AB				

Total (Yes) 10 No 0

Absent 3

Floor Assignment Rep. Galvin

If the vote is on an amendment, briefly indicate intent:

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10/16/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 11, 2003 12:00 p.m.

Module No: HR-26-2258  
Carrier: Galvin  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
HB 1461: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS**  
(10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1461 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-26-2258

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10/6/03  
Date

2003 SENATE JUDICIARY

HB 1461

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10/16/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1461

Senate Judiciary Committee

☐ Conference Committee

Hearing Date 03/25/03

Tape Number	Side A	Side B	Meter #
1	X		0.0 - 20
Committee Clerk Signature <i>Mara L Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. Roll call was taken and all committee members present. Sen. Traynor requested meeting starts with testimony on the bill:

**Testimony in Support of HB 1461**

Rep. Carol Niemeier - Dist. # 20, Introduced the bill (meter .4) Read Testimony - Attachment

#1. Referred to the Attorney Generals Report of 2001.

Sen. Trenbeath questioned the language indicates have to be a showing of "proof". What is the standard of proof. Discussed-is it with evidence, beyond reasonable doubt? Deferred question.

Sen. Dever discussed if original intent to change a name was not to hide from bad debt-how have we addressed that? Part of the judicial ruling on the bill, this bill can only be available at a domestic violence hearing and has applied. Discussion of a creditor and no outstanding dept.

*Jo Costa Richardson*  
Operator's Signature

*10/16/03*  
Date



Page 2  
Senate Judiciary Committee  
Bill/Resolution Number HB 1461  
Hearing Date 03/25/03

Bonnie Palecek - ND Council on Abused Women's Services. (meter 4.4) Read Testimony -

Attachment #2a and also read David R Bliss, Attorney - Attachment 2b. Bonnie discussed that the "proof" was at the discretion of a judge under our Domestic Violence Act #1407

Sen. Trenbeath discussed "evidence satisfactory to the court".

Discussion of bad debt name changing.

Sen. Lyson questioned how many cases in ND? 25-30.

Sen. Trenbeath stated that court records are open records

Deb Draven - Abused woman (meter 16) Gave personal Testimony on her situation - Att. #3.

Connie Hildbrad - University of ND Freedom From Violence - in support of this legislation

**Testimony in Opposition of HB 1461 - None**

Discussion of an amendment to line 14 and the word "proof" to "upon evidence satisfactory to the court".

**Motion Made to DO PASS Amendment to HB 1461 by Sen. Trenbeath and seconded by Senator Carolyn Nelson**

**Roll Call Vote: 5 Yes. 0 No. 1 Absent**

**Motion Passed**

**Motion Made to DO PASS HB 1461 as Amended by Sen. Nelson and seconded by Sen.**

**Trenbeath**

**Roll Call Vote: 5 Yes. 0 No. 1 Absent**

**Motion Passed**

**Floor Assignment: Sen. Nelson**

**Senator John T. Traynor, Chairman closed the hearing.**

30675.0101  
Title.0200

Adopted by the Judiciary Committee  
March 25, 2003

*903*  
*3-25-03*

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1461

Page 1, line 14, replace "proof" with "evidence satisfactory to the court"  
Renumber accordingly

Page No. 1

30675.0101

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*La Costa Rickford*  
Operator's Signature

*10/6/03*  
Date

Date: March 25, 2003  
Roll Call Vote #: 1

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1461**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30675.0101

Action Taken DO PASS Amendment

Motion Made By Sen. Trenbeath Seconded By Sen. Nelson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley. Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

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Salvatore Riccardi  
Operator's Signature

10/16/03  
Date

Date: March 25, 2003  
Roll Call Vote #: 2

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1461**

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30675.0101

Action Taken DO PASS As amended

Motion Made By Sen. Nelson Seconded By Sen. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	A	A
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) FIVE (5) No ZERO (0)

Absent ONE (1)

Floor Assignment Sen. Nelson

If the vote is on an amendment, briefly indicate intent:

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10/16/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 25, 2003 4:20 p.m.

Module No: SR-53-5741  
Carrier: Nelson  
Insert LC: 30675.0101 Title: .0200

REPORT OF STANDING COMMITTEE  
HB 1461: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS**  
**AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS,  
1 ABSENT AND NOT VOTING). HB 1461 was placed on the Sixth order on the  
calendar.

Page 1, line 14, replace "proof" with "evidence satisfactory to the court"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-53-5741

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Operator's Signature

*La Costa Rickford*

Date

*10/16/03*

2003 HOUSE JUDICIARY

CONFERENCE COMMITTEE

HB 1461

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Operator's Signature

Al Costa Rickford

Date

10/16/03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1461

House Judiciary Committee

☒ Conference Committee / House & Senate Judiciary Committees

Hearing Date 4/9/03

Tape Number	Side A	Side B	Meter #
1	xx		0-3.2
Committee Clerk Signature <i>A. Remose</i>			

**Minutes:** 5 members present: Sens. Trenbeath, Dever and Reps. Galvin, Grande & Delmore.

**Rep. Galvin:** Called the conference committee on HB 1461 to order. Roll call was called and 5 members present, 1 member absent, Sen. C. Nelson. This is a pretty simple bill. You all know that when you want to change your name, you have to put a notice in your official newspaper, and this merely extends that requirement to people who want to change their name because of domestic violence situations. And the point of contention here is that in our original bill, they merely had proof that the petitioner has been a domestic violence victim as defined in 14-07.1-01, which merely defines what domestic violence is. The Senate replaced proof with evidence satisfactory to the court. I think that Rep. Grande had some problems with that.

**Rep. Grande:** What I was looking for is if you could explain the difference between the proof and the evidence.

**Sen. Trenbeath:** Proof under the law is a sliding scale. There are several standards of proof, varying from the least standard of proof is more likely than not, in other words, more likely than

Page 2

House Judiciary Committee

Bill/Resolution Number HB 1461

Hearing Date 4/9/03

that is the standard of proof in the usual civil case. Now you can have a civil suit for \$20 million in damages, and all the jury has to decide is whether it is more likely than not that you were damaged by the person you are suing. When it comes to a criminal case, if you do something as driving with a suspended drivers license, a class B misdemeanor, the standard of proof is the highest known to law, which is proof beyond a reasonable doubt. And there are several other standards of proof between those two. In discussing this, rather than define which of those standards that would be applicable, we decided to leave it to the court and just say, evidence satisfactory to the court that the violence had taken place.

**Rep. Grande:** Okay.

**Sen. Dever:** I agree.

**Rep. Galvin:** Myself, I visited with Sen. Lyson and he explained all this to me and I don't have a problem with it.

**Sen. Trenbeath:** The word I was searching for, is between those two standards, is also called a preponderance of the evidence, which is a higher standard of proof than "more likely than not" but a lesser standard than "beyond reasonable doubt".

**Rep. Delmore:** I move that the House accede to the Senate amendments found on HJ pages 1146.

**Rep. Grande:** Seconded.

5 YES 0 NO 1 ABSENT

MOTION PASSES

CARRIER: Rep. Galvin



**REPORT OF CONFERENCE COMMITTEE  
(ACCEDE/RECEDE)**

Bill Number HB 1461 (, as (re)engrossed):

Your Conference Committee / House & Senate Judiciary Committees

**For the Senate:**

**For the House:**

Sen. Trenbeath	<i>yes</i>	Rep. Galvin	<i>yes</i>
Sen. Dever	<i>yes</i>	Rep. Grande	<i>yes</i>
Sen. C. Nelson	<i>absent</i>	Rep. Delmore	<i>yes</i>

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (S/HJ) page(s) 1146 --

X and place HB 1461 on the Seventh order.

\_\_\_\_, adopt (further) amendments as follows, and place \_\_\_\_\_ on the  
Seventh order:

having been unable to agree, recommends that the committee be discharged and a  
new committee be appointed.

((Re)Engrossed) HB 1461 was placed on the Seventh order of business on the calendar.

DATE: 4/9/03

CARRIER: Rep. Galvin

LC NO. of amendment	<u>30675.0101</u>
LC NO. of engrossment	<u>.0200</u>
Emergency clause added or deleted	
Statement of purpose of amendment	

To Costa Richard  
Operator's Signature

10/16/03  
Date

**REPORT OF CONFERENCE COMMITTEE (420)**  
April 10, 2003 11:19 a.m.

Module No: HR-65-7315

Insert LC: .

**REPORT OF CONFERENCE COMMITTEE**

**HB 1461:** Your conference committee (Sens. Trenbeath, Dever, Nelson and Reps. Galvin, Grande, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1146 and place HB 1461 on the Seventh order.

HB 1461 was placed on the Seventh order of business on the calendar.

(2) DESK, (2) COMM

Page No. 1

HR-65-7315

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*Y. Costa Rickford*

Date

*10/16/03*

2003 TESTIMONY  
HB 1461

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10/6/03  
Date

**BISMARCK**Abused Adult Resource Center  
222-8370**BOTTINEAU**

Family Crisis Center

**LAKE**Domestic Violence Alternatives for  
Abused Families  
1-888-662-7378**DICKINSON**Domestic Violence and  
Rape Crisis Center  
225-4506**ELLENDALE**Kudish House  
349-4729**FARGO**Rape and Abuse Crisis Center  
800-344-7273**FORT BERTHOLD RESERVATION**Coalition Against  
Domestic Violence  
627-4171**GRAFTON**Tri-County Crisis  
Intervention Center  
352-4242**GRAND FORKS**Community Violence  
Intervention Center  
746-0405**JAMESTOWN**S.A.F.E. Shelter  
7233**COUNTY**McLean Family  
Resource Center  
800-651-8643**MERCER COUNTY**Women's Action and  
Resource Center  
873-2274**MINOT**Domestic Violence Crisis  
Center  
852-2258**RANSOM COUNTY**Abuse Resource Network  
683-5061**SPIRIT LAKE**Victim Assistance  
766-1816**STANLEY**Domestic Violence Program,  
NW, ND  
628-3233**VALLEY CITY**Abused Persons Outreach  
Center  
845-0078**WAHPETON**

Therapeutic Crisis Center

**WYOMING**Family Crisis Shelter  
572-0757

Testimony on **HB 1461**  
House Judiciary Committee  
Rep. Duane DeKrey, Chair  
February 11, 2003

Rep. DeKrey and Members of the Committee:

I am Bonnie Palecek speaking on behalf of the ND Council on Abused Women's Services in support of **HB 1461**.

**HB 1461** is a simple bill, but its implications are huge in their impact on individuals fleeing the most dangerous domestic violence situations.

On a national level over the past few years the Social Security Administration has created new options for this small but very vulnerable group of people by allowing them to change their social security numbers. States have enhanced confidentiality provisions for advocacy organizations and other professionals providing services. Our laws in North Dakota are very good in this regard.

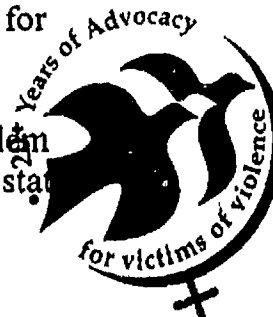
This very committee worked on language in a bill which provided a protection order process for victims who fled violence in another state and needed to obtain a protection order here. That statute, by the way, appears to be working well.

What has emerged as an on-going need, however, is an exemption from what is currently a requirement to publish all name changes, 30 days prior to finalization, in a local newspaper. Obviously, someone who is fleeing a situation grave enough to warrant changing her or his name and social security number would reverse the benefits of those efforts by publishing the change.

A number of other states have adopted similar protection. Some are embedded in more general protections for witness protection programs; some are included in provisions to seal all records relating to changes; Montana and Minnesota both have exemption provisions, and South Dakota evidently follows an informal exemption policy in certain courtrooms, but without statutory authority.

We have chosen to model the language in **HB 1461** after a Colorado statute, which is very straightforward, and appears to have worked well for several years.

This bill would provide a remedy for what we see as a growing problem in North Dakota. As we polled domestic violence programs around the state



North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota

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we were told of recent instances in at least six communities (Williston, Fargo, Wahpeton, Minot, Bismarck and Grand Forks) in which publication continues to pose a victim safety risk.

The requirement for publication of a name change obviously arose from people wanting to change their names to escape bad debt or criminal warrants. Those circumstances could possibly overlap with a battering situation, but we believe current requirements by the Social Security Administration for routine criminal background and credit checks address those contingencies. Virtually every victim of domestic violence who needs to change her name would have to request a social security change in order to be safe. Those who avail themselves of these processes are in the most dangerous and lethal situations, as you will see in later testimony.

Also providing testimony this morning will be an attorney who has assisted with name changes and a survivor of domestic violence who was forced to change her identity. This law could make a very real difference, and we urge your support. Thank you.

*Bonnie Palenik*

Testimony of Deb Draven

HB 1461

House Judiciary

Feb. 11, 2003

My name is Deb Draven and I am here in support of HB 1461.

That is very hard for me to say because for 36 years my name was something else. I am here to share my experience to help you understand that to change one's name is not an easy thing to do. The things I had to give up to be safe are sometimes over-whelming. And yet I had no choice if I wanted to live. If I hadn't left my situation, I would be dead. This man locked me away for three years. He nailed the windows shut and put padlocks on the doors. The night I left for good, he had left the padlocks off for the first time. I went outside and he was waiting there and drew a gun. I ran back into the house. He chased me and jumped over the couch, fell and hit the coffee table and passed out. I was afraid to walk by him, so I threw myself through a plate glass window to escape.

I had thought I wanted to die, but when it comes down to it, you want to live. I walked toward the town lights through the desert, about four miles. I was so terrified he would follow me that I got more cuts from throwing myself down than glass cuts. I came to a pay phone, but it didn't work. I went to a gas station, but was told to go back to the pay phone. I finally got through.

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I had the number of the shelter because when my boyfriend and I went for food stamps, the worker knew something was wrong. She followed me into the bathroom and gave me a booklet with a star by the shelter number. I had to be creative about where to conceal it because I wasn't allowed to wear a bra or socks because people can hide things there.

I was terrified he would find the number because he sensed something was wrong and hit me so hard in the chest the imprint of his fist was still there when I came here to the shelter two months later.

A cab picked me up at the pay phone and took me to the shelter. There I met a woman named Trinatta. She worked at a truck stop and I took care of her boys. She did everything right: got a protection order, went to a shelter, found a job, and was in the process of changing her name.

The state we were in required a publication of name change in her home town plus the town of residence. Within a week of that publication, her abuser found her, tracked her down, and shot her dead. It was all recorded on the surveillance tape.

Trinatta paid me the first \$5.00 I had ever earned for babysitting her children. She was very important to me.

So obviously when I began to go through the process of changing my identity, she was very much on my mind. Fortunately, I had a pro bono attorney in Bismarck to lead me through the process.

Richard Costa  
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10/16/03  
Date

The process itself is not easy. I had to produce x-rays for Social Security to prove I was abused. To see those x-rays was very difficult. My nose had been broken twice, and my jaws had been fractured. I had 263 stitches when I got my dentures because of previous fractures.

To produce all of this evidence was humiliating and frightening, but I had no other choice.

What I gave up to be safe is equally terrifying. I've lost so much. I gave up my daughter to the foster care system for her own safety; I now have a grandchild I will probably never see. When my son died at age 20 from an aneurysm, I couldn't go back to the funeral.

I don't have a car, or checking account, or a credit card because of a potential paper trail. I lost my social security work credits and employment history when I changed my social security number. I have lost my name. Social Security records identify me as "deceased" under my old name.

A lot of people ask me how I ended up in North Dakota. At the shelter I was in, in another state, I could only stay 30 days; I saw in a shelter directory I could stay up to two years at the Bismarck shelter. So I came. I knew it would take me a long time to get back to living again.

Sometimes I wonder how I get from one day to the next; I do because I have to. And I believe there is a reason I am still here.



I saw an open door, and I stepped through it, because I wanted to change what was happening to me. I worry a lot about being able to keep up with those changes. But I continue day by day. Changing your name will not change your life. It doesn't change living with the turmoil and fear and nightmares I still live with. But this bill could really help others. I ask your support for HB 1461. Thank you.

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10/16/03  
Date

12

**TESTIMONY - HB 1461**  
**Tuesday, February 11, 2003**

Duane DeKrey, Chairman  
House Judiciary Committee

Representative DeKrey and Committee Members:

My name is David Bliss. I practice law with John Olson and Joe Cichy here in Bismarck. I support the amendment to N.D.C.C. 32-28-02 as provided in House Bill 1461.

I was also Deb Draven's attorney when she began her very difficult process to change her identity and protect her life. You've heard what happened to Deb's friend, Trinatta, who did everything right. In spite of getting a protection order, going to a shelter and finding a job and changing her name, her abuser found her and killed her.

HB 1461 will allow the court to exempt a victim of spousal abuse from having to give notice to the world that she has applied for a name change. This bill, if passed, would bring North Dakota in line with what Montana and Minnesota are doing to allow for a name change but protect the applicant from harm at the same time.

It is my hope that this committee will give a "Do Pass" to this bill.

Thank you.

David R. Bliss  
Olson, Cichy & Bliss  
P.O. Box 817  
Bismarck, North Dakota 58502-0817

Richard Costa  
Operator's Signature

10/16/03  
Date

Att #1

## SENATE JUDICIARY COMMITTEE

Sen. Jack Traynor, Chr

March 25, 2003

### Overview of HB 1461-Rep. Niemeier

HB 1461 asks for a small exception which has big implications.

Current law in North Dakota requires that anyone wishing to change his or her name must publish the change 30 days previously in the county newspaper for this county in which the petitioner resides.

The original intent of requiring publication was obviously to make sure people were not changing their names to avoid bad debts or a criminal past. It presents a problem for victims of domestic violence, however.

Minnesota and Montana provide specific protections for victims, and South Dakota judges apparently make exceptions in certain circumstances also. HB 1461 is modeled after Colorado's statute, which appeared to provide the clearest and most simple protection.

Testimony will be presented today from the point of view of victims, an attorney who has assisted victims in the process, and a victim advocate who will describe the scope of the problem across the state.

Advocates in at least six North Dakota communities have indicated this is a problem.

North Dakota Domestic Violence Stats for 2001

Domestic violence accounted to 48% of all reported physical violence cases.

Females accounted for 70% of reported victims.

There were 396 juvenile victims reported.

49% of deaths due to homicide in the past 23 yrs were domestic.

51 % of reported offenders were arrested

2,168 subjects reported 1,101 arrested, 11% decrease from 2000

78% white

17% American Indian /// Reported Offenders

5% Black

73% male

27% female

A typical victim of domestic violence is a white female age 17 to 39

HB 1461 Rep. Carol A. Niemeier 3/25/03

**BISMARCK**

Abused Adult Resource Center  
222-8370

**BOTTINEAU**

Family Crisis Center  
2028

**LS LAKE**

Safe Alternatives for  
Abused Families  
1-888-662-7378

**DICKINSON**

Domestic Violence and  
Rape Crisis Center  
225-4506

**ELLENDALE**

Kedish House  
349-4729

**FARGO**

Rape and Abuse Crisis Center  
800-344-7273

**FORT BERTHOLD RESERVATION**

Coalition Against  
Domestic Violence  
627-4171

**GRAFTON**

Tri-County Crisis  
Intervention Center  
352-4242

**GRAND FORKS**

Community Violence  
Intervention Center  
746-0405

**JAMESTOWN**

S.A.F.E. Shelter  
353-7233

**LAN COUNTY**

McLean Family  
Resource Center  
800-651-8643

**MERCER COUNTY**

Women's Action and  
Resource Center  
873-2274

**MINOT**

Domestic Violence Crisis  
Center  
852-2258

**RANSOM COUNTY**

Abuse Resource Network  
683-5061

**SPIRIT LAKE**

Victim Assistance  
766-1816

**STANLEY**

Domestic Violence Program,  
NW, ND  
628-3233

**VALLEY CITY**

Abused Persons Outreach  
Center  
845-0078

**WHPETON**

Three Rivers Crisis Center  
2115

**LISTON**

Family Crisis Shelter  
572-0757

Testimony on **HB 1461**

Senate Judiciary Committee

Senator Jack Traynor, Chair

March 25, 2003

Chair Traynor and Members of the Committee:

I am Bonnie Palecek speaking on behalf of the ND Council on Abused Women's Services in support of **HB 1461**.

**HB 1461** is a simple bill, but its implications are huge in their impact on individuals fleeing the most dangerous domestic violence situations.

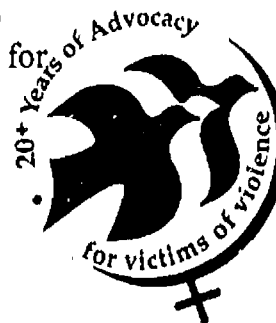
On a national level over the past few years the Social Security Administration has created new options for this small but very vulnerable group of people by allowing them to change their social security numbers. States have enhanced confidentiality provisions for advocacy organizations and other professionals providing services. Our laws in North Dakota are very good in this regard.

This very committee worked on language in a bill which provided a protection order process for victims who fled violence in another state and needed to obtain a protection order here. That statute, by the way, appears to be working well.

What has emerged as an on-going need, however, is an exemption from what is currently a requirement to publish all name changes, 30 days prior to finalization, in a local newspaper. Obviously, someone who is fleeing a situation grave enough to warrant changing her or his name and social security number would reverse the benefits of those efforts by publishing the change.

A number of other states have adopted similar protection. Some are embedded in more general protections for witness protection programs; some are included in provisions to seal all records relating to changes; Montana and Minnesota both have exemption provisions, and South Dakota evidently follows an informal exemption policy in certain courtrooms, but without statutory authority.

We have chosen to model the language in **HB 1461** after a Colorado statute, which is very straightforward, and appears to have worked well for several years.



North Dakota Council on Abused Women's Services • Coalition Against Sexual Assault in North Dakota

ndoaws@ndoaws.org • 418 East Rosser #320 • Bismarck, ND 58501 • Phone: (701) 255-6240 • Toll Free 1-888-255-6240 • Fax 255-1904

*John Costa Richardson*  
Operator's Signature

10/6/03  
Date

This bill would provide a remedy for what we see as a growing problem in North Dakota. As we polled domestic violence programs around the state, we were told of recent instances in at least six communities (Williston, Fargo, Wahpeton, Minot, Bismarck and Grand Forks) in which publication continues to pose a victim safety risk.

The requirement for publication of a name change obviously arose from people wanting to change their names to escape bad debt or criminal warrants. Those circumstances could possibly overlap with a battering situation, but we believe current requirements by the Social Security Administration for routine criminal background and credit checks address those contingencies. Virtually every victim of domestic violence who needs to change her name would have to request a social security change in order to be safe. Those who avail themselves of these processes are in the most dangerous and lethal situations, as you will see in later testimony.

Also providing testimony this morning will be an attorney who has assisted with name changes and a survivor of domestic violence who was forced to change her identity. This law could make a very real difference, and we urge your support. Thank you.

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La Costa Richard  
Operator's Signature

10/16/03  
Date

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March 25, 2003

Hon. John T. Traynor, Chairman  
Senate Judiciary Committee  
ND Senate  
600 East Blvd. Ave.  
Bismarck, ND 58505

Re: HB 1461

Dear Senator Traynor:

I understand that the Senate Judiciary Committee has before it HB 1461. This bill modifies Subsection 2 of N.D.C.C. 32-28-02 to allow the court to waive publication of a name change notice upon proof that the petitioner has been the victim of domestic violence as defined by state law. I urge a "Do Pass" of HB 1461.

I understand that Deb Draven will offer testimony before the committee as to her support of this bill. I was Deb's attorney in her quest to be free from a particularly violent and unpredictable partner who made numerous attempts on her life. Security was, and is, extremely important for Deb's life. Unfortunately, when Deb came to change her name she had no choice but to reveal her identity through publication of her petition for a name change pursuant to the requirements of N.D.C.C. 32-28-02. HB 1461 would modify North Dakota's law to protect those who find themselves in Deb's position yet allow them to move forward with their lives.

The provisions of HB 1461 are modeled after a Colorado statute which appears to work well. It is my hope that this committee will extend protection to people in Deb's position by passing this bill.

Thank you for your consideration.

Respectfully,

DAVID R. BLISS  
Attorney at Law

*Jo Costa Richardson*  
Operator's Signature

10/16/03  
Date