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Voice of the Bar

Don't Dismiss Abuse

Dear Editor:

At a time in northern New Jersey where there have been at least three murders (including that of two young children) and a suicide as a result of domestic violence in recent months, it is dismaying to see a two-page article in the *Law Journal* ["Abusing the System," by Jonathan Meer, Oct. 22] that so cavalierly makes claims about the manipulation of the system by victims of abuse.

The article reflects a serious lack of understanding of New Jersey's domestic violence law and procedure. The use of terms such as "domestic violence courts," "divorce courts" and the statement that "the domestic violence judge has jurisdiction over the matrimonial judge" are but a few examples of the many errors in the article. We doubt the article will be given much credence.

Nevertheless, we feel compelled to respond to allegations that restraining orders are being used by litigants to avoid the procedures and fees required in other Family Court matters or to get a leg up in divorce matters. This is certainly not our experience.

Since 2005, nearly 400 women have contacted Partners for Women and Justice for assistance in connection with a final restraining order. Without exception, these are women who know virtually nothing about the legal system, let alone enough to "scheme" to use a restraining order proceeding to avoid paying a filing fee in a matrimonial matter.

Through our various programs, ranging from advice and counsel to pro bono representation, we (and the many dedicated attorneys in private

practice who volunteer with Partners) have helped our clients to understand their rights under the law and to secure protection from abuse, safe visitation/custody arrangements and necessary financial support.

It goes without saying that the system should not be manipulated (and we are confident that responsible attorneys counsel their clients accordingly), but we actually see many, many more instances in which batterers use the system as a tool to continue their coercive, controlling behavior, particularly when it comes to children and support.

Whether domestic abuse arises before, after or during a divorce or other court proceeding, it is a serious matter that must be dealt with on its merits and not dismissed out-of-hand as a mere ploy. Mr. Meer's article does a disservice to suggest otherwise.

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The writers are, respectively, the executive director and director of legal programs of Partners for Women and Justice, a Montclair-based nonprofit legal assistance organization. They may be reached at info@pfwj.org.

Supports Restricted-Use License Bill

Dear Editor:

A bill that would permit some people with suspended drivers' licenses to drive to work to pay child support is worthy of serious consideration.

The measure, A-3240/S-1259, would provide for a restricted-use license, to be used exclusively for traveling to and from the licensee's place of employment or education, when

other transportation is not available, and for driving on the job where that is a condition of employment.

The restricted-use license would not be available to people whose licenses were suspended for accumulating 12 or more motor vehicle points; driving without the required motor vehicle liability insurance; committing an offense that involved death or seriously bodily injury; exceeding the speed limit by more than 15 miles per hour; reckless driving; illegally passing a school bus; or driving while the operator's license was suspended or revoked.

An applicant for a restricted-use license would be required to certify to the court that no other reasonable means of traveling to and from his or her job or schooling exists and that the applicant will suffer substantial financial hardship if the license is not granted. The court would make a recommendation to the Motor Vehicle Commission as to whether the license should be granted.

A restricted-use license would be granted only if all fines are paid and sentences completed in connection with the license suspension and proof of fully paid liability insurance is provided.

I support this bill since the proposed law is intended to mitigate the adverse effects of a suspension of driving privileges on certain persons who must drive motor vehicles to maintain their employment or continue their education.

Persons who can maintain employment pay taxes and child support, whereas unemployed persons often become a drain on society.

Kenneth Vercammen
Edison