

A Retrospective: The Nation's Landmark Restraining Order Law and First State Domestic Violence Coalition

by Susan Kelly-Dreiss*

Editor's Note: Susan Kelly-Dreiss provides a fascinating account of the history of the domestic violence movement, which developed on the heels of the anti-war, civil rights, and gay liberation movements of the late 1960s and 1970s. From this account, we learn that a handful of determined battered women and their advocates in Pennsylvania created and stood upon the very first front line in our nation's battle against domestic abuse. This small group started the nation's very first battered women's statewide network of shelters, pushed through new legislation to protect battered spouses, and brought into the public eye the previously hidden scourge of woman-abuse. In doing so, they troubled the conscience of the entire country, ultimately bringing about the system of domestic violence coalitions, shelters, and other services that are now provided to victims in every state of the nation.

In the early 1970s, grassroots women's groups highlighted the social problem of domestic violence. Advocates concentrated their initial efforts on the provision of essential services to victims, such as battered women's shelters, hotlines, and supportive counseling. At the same time, these advocates castigated the legal system for its inadequate response to the plight of

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survivors, especially the indifference of police and prosecutors, as well as the lack of effective laws that protected victims and held batterers accountable.

One state that played a major role in the early battered women's movement was Pennsylvania. The Pennsylvania legislature enacted an influential restraining order law in 1976. The passage of Pennsylvania's Protection From Abuse Act (PFA) was the catalyst for widespread enactment of similar laws across the country.¹ Before the enactment of early restraining laws, a battered woman could only obtain a restraining order if she first initiated a divorce proceeding. However, these early laws abrogated this requirement and made restraining orders more freely available to any battered woman. The Pennsylvania law was such an influential model that within a few short years, 31 states had enacted similar legislation.² By 1994, all 50 states had some form of protective order legislation.³

The second contribution of Pennsylvania's grassroots battered women's movement was the formation of the first statewide coalition against domestic violence, founded in 1976. The Pennsylvania Coalition Against Domestic Violence (PCADV) created new services that responded uniquely to the needs of battered women, then developed service definitions and terminology that have been widely utilized by local, state, and federal agencies. Pennsylvania's advocates had a profound impact on state and national policy development.

The transformative potential of statewide coalitions was so widely recognized that domestic violence coalitions have developed in all 50 states and U.S. territories. Two national policy organizations evolved from the state policy efforts, the National Coalition Against Domestic Violence in 1978, and the National Network to End Domestic Violence in 1995.

This article will discuss these contributions to the early battered women's movement: the formation of the landmark restraining order law and the creation of the first statewide coalition against domestic violence.

BACKGROUND

In the early 1970s in Pennsylvania, battered women and their advocates began to organize hotlines and shelters in cities, towns, and rural areas. As soon as a hotline number became public knowledge, calls for help would come in, overwhelming the volunteers who answered the phones. Many of the calls were from victims seeking safe space for themselves and their children. In Pittsburgh, a Women's Center opened a drop-in center in an old storefront but had to convert it to a makeshift shelter where women and their children could stay the night, away from a violent abuser.

¹ Grau, Janice, Fagan, Jeffery & Wexler, Sandra (1985). Restraining orders for battered women: Issues of access and efficacy. In Claudine Schweber & Clarice Feinman (Eds.), *Criminal justice politics and women: The aftermath of a legally mandated change* (pp. 13, 14). New York, NY: Routledge.

² Ibid.

³ Ko, Carolyn N. (2002). Civil restraining orders for domestic violence: The unresolved question of "efficacy." *So. Cal. Interdisciplinary L.J.* 11, 361.

By the beginning of 1976, there were six programs for domestic violence victims in the state, with “fledgling” groups in numerous stages of development. There was little or no funding for such start-up organizations; most of the work was accomplished by volunteers. The author was recruited by a grassroots group in Harrisburg to assist in starting a shelter. After a three-month planning period, we opened the shelter with two part-time paid positions and 62 volunteers, which was typical of many domestic violence programs at the time.

In retrospect, the establishment of shelters in the 1970s was primarily built upon the ideals of the women’s movement and passion for the cause of protecting victims and ending domestic violence, and little else. The mantra was: “Never Another Battered Woman!” That passion, together with the strength and determination of hundreds of victims, advocates, and supporters, overcame the existing obstacles and realities.

During 1976, two issues dominated the concerns of the new advocacy groups. First, how do we establish new programs serving victims 24/7, 365 days a year and develop a sound organization that is sustainable and staffed, accountable to victims and to laws, regulations and the community? Second, how do we effect

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policy formation to better protect victims in light of the victims’ needs for more than short-term shelter and support? Advocates understood that strategic efforts for social reform were essential to end domestic violence.

PROTECTION FROM ABUSE BILL: CREATING RELIEF FOR DOMESTIC VIOLENCE VICTIMS

When victims came to a shelter, they talked about their numerous attempts to seek help, particularly their frequent calls to law enforcement for intervention and protection. But law enforcement officials often concluded that little could be done without the filing of criminal charges, and most victims did not want their partners charged with a criminal record; they just wanted the violence to stop. This dilemma led to the question of what could be accomplished to protect victims from violent family members through the *civil* courts.

In Philadelphia, two people, Lawrence Mass, at Community Legal Services, and Peggy McGarry, Director of Women Against Abuse, discussed their common concerns related to civil protections for domestic violence victims. At this time, Community Legal Services attorneys handled divorce cases for

clients who met eligibility criteria, and many of their clients were victims of domestic abuse. Mass learned that New York State had recently passed a law creating a restraining order to protect against abuse by family members. Mass contacted Marjorie Fields, an attorney at Brooklyn Legal Services (who later became a Judge of the Family Court of New York and then a Justice of the Supreme Court Matrimonial Part), after learning that she was a key figure in drafting the New York bill. Fields offered a number of recommendations that she felt would strengthen the law and provide comprehensive civil remedies to victims.

Next, Mass contacted the office of his Senator, Patrick Hill, then the Chair of the Judiciary Committee of the Pennsylvania Senate. A Philadelphia attorney himself, Senator Hill became quite interested in the concept of a Protection From Abuse Law for Pennsylvania. He quickly planned a hearing in the Judiciary Committee and assigned Chief of Staff Ken Neeley to organize the hearing. I was contacted to assist in identifying the domestic violence programs in Pennsylvania whose staff could provide potential testimony. We identified nine programs throughout the state and invited their staffs to Harrisburg for a pre-hearing meeting for the purpose of reviewing the draft bill. Senator Hill's staff, Legal Services attorneys, and advocates carefully poured over the provisions of the bill, which included the following features:

- Defining abuse as: “attempting to cause or intentionally causing bodily injury, placing a person in imminent fear of bodily injury by physical menace, and abusing minor children”;
- Providing that the court order may include a restraining order directing the defendant to refrain from abusing the plaintiff or minor children, and evicting the defendant from the residence;
- Including as possible petitioners “spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity”;
- Allowing an order for temporary custody as part of the protection from abuse order;
- Allowing court orders to be obtained temporarily on an *ex parte* basis with a hearing to be held within 10 days;
- Permitting final orders that could remain in effect for up to one year.⁴

HEARINGS IN THE JUDICIARY COMMITTEE

Domestic violence advocates and Legal Services attorneys returned to the State Capitol for the Judiciary Committee hearing in April 1976, armed with

⁴ Sorrentino, Lauren L. (Jan. 2007). Pennsylvania's Protection From Abuse Act: Three decades of practice and procedure. *PA B.A.Q.* 78, 15.

their written testimony about the extraordinary need for a PFA law. But, as it turned out, it was the unwritten and unplanned testimony that had the greatest impact. Seated next to Mass in the hearing room was his colleague from Legal Services, who had a very large “shiner” and facial bruises, received from a client’s abusive husband. Two days prior to the hearing, while the attorney was preparing the client’s divorce papers, the client’s abusive spouse had stormed into the attorney’s office and pummeled the attorney with his fists. Committee members—all attorneys—could personally identify with his story!

In addition, in the midst of the Committee’s ensuing discussion about the dangers of domestic violence, a well-respected committee member, Senator Robert Jubilier (later the Senate’s President Pro-Tem) addressed the hearing. He spoke in a soft voice about

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his experience as a child, witnessing his grandfather repeatedly hit his grandmother. He ended his testimony by giving full support to the bill. The Judiciary Committee voted unanimously to report SB 1243 out of committee and to the full Senate. The strong support and swift deliberation of the bill by the Committee stunned the advocates. Pennsylvania’s law, although not technically the first restraining order law, rapidly became the model for domestic violence restraining order laws through the country because of the comprehensive scope of its civil remedy and procedure.

ORGANIZING A COALITION

At the same time as the PFA bill proceeded through the Pennsylvania legislature, the meetings of domestic violence advocates likewise proceeded, going from the hallways of the Capitol to kitchen tables. The phenomena of advocates meeting around kitchen tables was a shared founding experience among advocates throughout the United States and commemorates the gatherings of mostly women who came together to form coalitions and begin a movement from a very familiar space.

At each meeting of advocates, the numbers grew, representing the growth of programs in the state. By the fall of 1976, there were 12 domestic violence programs in Pennsylvania. Program representatives were gaining so much information and encouragement from the “kitchen table” discussions that they planned a one-day meeting for October 1976, hosted by Lancaster (Pennsylvania) Women Against Abuse. As it turned out, the meeting date was prophetic: days before the meeting, we learned that the

PFA had passed both houses of the General Assembly and was signed into law by the Governor.

The first official meeting of Pennsylvania advocates served as the initial “organizing” meeting for the statewide network. The recent legislative success and recognition of the value of networking among advocates brought participants to one unified conclusion: We must establish a coalition. The new organization would serve two important purposes: to establish services for victims statewide and to advocate for social change.

At the next meeting of advocates in December 1976, 12 program representatives voted to incorporate as a private, nonprofit organization. The 12 founding members chose the name Pennsylvania Coalition Against Domestic Violence and drafted a mission statement as follows:

The mission of the Pennsylvania Coalition Against Domestic Violence is to eliminate personal and institutional violence against women through programs providing support and safety to battered women, direct services, public information and education, systems advocacy and social change activities. The members of PCADV work toward this goal through supportive, cooperative practices in all aspects of our individual programs and collective efforts.

Incorporation papers were filed and the new organization officially became the nation’s first state domestic violence coalition.

PCADV members agreed to meet every six weeks, usually on weekends, and to travel to visit each other’s shelters in conjunction with the Coalition meeting. Legal Services attorney Barbara Hart provided continuous training and expertise on the new PFA law. (Barbara Hart later became the Legal Director of PCADV and a key figure in drafting state and federal legislation and developing domestic violence research and policy). During 1977, five new programs joined PCADV, resulting in a membership of 17 programs whose members traveled throughout the state, visiting each other’s shelters. In Philadelphia, we toured the Women Against Abuse shelter, a one-time public school that occupied one full block, bought from the city for \$1.00. In contrast, the Women’s Center of Columbia and Montour Counties had to squeeze the visiting group into their two-room apartment that served as a shelter in this very rural area.

Because participants of the “traveling” Coalition meetings recognized the great educational value of the time spent together, plans for a statewide conference evolved. The Ms. Foundation for Women approved a grant to support a conference held in October 1977 that brought together nearly 100 advocates for training sessions on such topics as operating a hotline, counseling for abuse victims establishing a shelter, and volunteer training, among others. Conference attendees returned home with renewed vigor, sometimes

to communities that were struggling to respond to domestic violence. As one advocate, Carol Husa, remarked:

The Coalition provided us with very helpful information—how to train volunteers, how to incorporate, how to start a hotline. If there were no Coalition, there would be no program in this town.⁵

BUILDING AN ORGANIZATION

The success of the first state conference resulted in advocates' desire for additional opportunities for training, networking, advocacy, and organizing. Because all of these objectives could not be met through volunteer efforts alone, PCADV members decided to hire a coordinator for the Coalition's activities. With a \$12,000 grant from the Levinson Foundation, PCADV hired the author for the position of Executive Director in 1978. I transferred my box of personal belongings from the Women in Crisis shelter into the kitchen of my home, which served as PCADV's first office.

During 1978, the Coalition prioritized three areas as primary objectives: (1) to support and increase the services available to victims in the state; (2) to draft needed amendments to the PFA Act; and (3) to build the Coalition infrastructure. The need for domestic violence services was obvious as programs struggled to respond to requests and new start-ups struggled to open. For example, shelters developed "waiting lists" while attempting to make alternative arrangements, such as safe homes. Advocates, some of whom were former victims of abuse, were adamant that the new services must be different from existing services from which they had not received appropriate help. The desired emphasis for the new emergency services was for 24/7 access to safety, peer-to-peer supportive counseling, confidentiality, and no cost.

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PROTECTION FROM ABUSE ACT: STAGE TWO

Shortly after its passage, the Protection from Abuse Act was hailed by the state Superior Court as a "vanguard measure dealing with the problems of

⁵ Schechter, Susan (1982). *Women and male violence: The visions and struggles of the battered women's movement* (p. 114). Boston, MA: South End Press.

wife and child abuse.”⁶ However, implementation issues and weaknesses in the law were the focus of continued discussions of both domestic violence programs and Legal Services attorneys. The Act, as written, was unclear about the enforcement authority of the police and also about eligible parties such as former spouses and separated partners. PCADV and Legal Services again joined forces, as they had in 1976, but this time to draft amendments. Amendments set forth the penalty for violations of the a PFA as criminal contempt and also authorized specific punishments for violators in the form of imprisonment up to six months and/or a fine of up to \$1,000. Amendments refined the scope of law enforcement authority to authorize police to arrest abusers without a warrant for violations of the protective order based upon probable cause. Amendments also revised the definition of abuse to include both divorced and separated spouses, and enabled the final order to include awards of child support. The amendments quickly passed the Pennsylvania General Assembly and the revised bill was signed into law by Governor Milton Shapp.⁷

STATE SUPPORT BEGINS

In 1979, PCADV requested and received two government grants, allowing the Coalition to establish an office in Harrisburg and to hire staff in addition to the Director. Initial government funding came from the Pennsylvania Commission on Crime and Delinquency and was critical in the development of legal advocacy services throughout the state. PCADV focused on defining the scope of Legal Advocacy work, in particular, the role of legal advocates in the implementation of the PFA and guiding petitioners through the court process. The grant also enabled PCADV to hire a Police Trainer, concentrating on best practices in responding to domestic violence.

The Coalition’s second government grant from the Pennsylvania Department of Community Affairs enabled the Coalition to further expand the number of staff to train and provide technical assistance to local programs. The focus of training was on the development of Counselor/Advocates within domestic violence programs. To produce a training manual, PCADV sought the expertise of Susan Schechter, the nationally recognized educator and author of *Women and Male Violence: The Visions and Struggles of the Battered Women’s Movement*. Ms. Schechter held several meetings with advocates that led to consensus on the following definition for Counseling/Advocacy:

Supportive counseling is a non-therapeutic helping method that involves listening to and understanding the victim and responding as an informed helper. Supportive counseling may be carried out in a one-on-one setting

⁶ Sorrentino, *supra* note 4.

⁷ 23 Pa. Cons. Stat. § 6101.

or within groups. The victim is provided with support, but the victim makes each decision; supportive counseling can be described as a “self help” model.

Educative counseling is a non-therapeutic helping method which offers the victim information, resources, advocacy, and education for the purpose of restoring the victim's sense of dignity, power and control. Educative counseling builds upon the victim's strengths and assumes that victims heal most effectively when they are given the tools and information necessary to help themselves.

This first draft edition of the definition for counseling/advocacy was referred to as “empowerment” counseling and formed the basis for the counseling provided throughout the statewide network.

1980: FUNDING FOR DOMESTIC VIOLENCE SERVICES

Stable ongoing funding for domestic violence services became a reality in 1980 through the persistent efforts of PCADV and the positive response of the state Department of Public Welfare (DPW) under Governor Richard Thornburgh. DPW subcontracted the statewide domestic violence services contract to PCADV to allocate funding to existing local programs and to build a statewide network of services to meet the unmet need of victims in counties with no services.

In an effort to assess the need, PCADV developed a Needs Assessment tool for annual use and began designing a State Plan. The domestic violence services contract benefitted the statewide network in many ways. Services were expanded beyond emergency services to include children's programs, school presentations, public education, legal advocacy, medical advocacy, training of professionals, and limited transportation. The term “Systems Advocacy” was first defined related to domestic violence services in the PCADV State Planning process. The meaning of Systems Advocacy—contact with systems and institutions

In Pennsylvania, funding for systems advocacy activities initially supported legal advocacy. But the term was expanded to include the multitude of systems responding to domestic violence, such as advocacy with county departments of aging, child protection, welfare, and the medical and healthcare systems, faith-based institutions, the media, and all of criminal justice agencies: police, prosecutors, the courts, probation, and parole.

for the purpose of changing policy and procedures—has become legitimized as a fundable activity in all victim services. In Pennsylvania, funding for systems advocacy activities initially supported legal advocacy. But the term was expanded to include the multitude of systems responding to domestic violence,

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Since the inception of the statewide services contract and the recording of service statistics, a total of 2.8 million victims have received services in Pennsylvania. Currently, 60 domestic violence programs form the statewide network and provide services in all 67 counties of the state. Approximately 100,000 victims utilize services each year. In the current 2014-2015 state budget, the state legislature appropriated \$24,708,406 for domestic violence services.

SERVICES AND ADVOCACY CONTINUE

State coalitions such as PCADV have been highly successful in supporting domestic violence services and creating social reform. In addition, state coalitions have come together to form national coalitions and projects to advance federal legislation, such as the Violence Against Women Act,⁸ and to change harmful policies and practices, such as insurance discrimination against victims of domestic violence.⁹

While each state coalition is unique, each focuses on the same objectives: promoting services and advocacy that are victim-centered. Local programs that serve victims 24/7 keep the state coalition aware of issues affecting victims. Advocates join together at the state level to problem-solve and advance solutions, and at the state and national levels by collaborating with other coalitions and agencies. When reforms are made, the state coalition listens again to victims: How does this change affect them?

State coalitions are the keepers of the legacy, believing that when we join together, we can end domestic violence. The legacy started around kitchen tables and continues . . .¹⁰

⁸ Violence Against Women Act of 1994, amended 2000, 2005, 2013.

⁹ www.FuturesWithoutViolence.org/health.

¹⁰ In commemoration of PCADV's 25th anniversary as the nation's first state domestic violence coalition, the PCADV Board of Directors commissioned an original poem (by Dora. E. Mcquaid) and oil painting (by Anne-Marie Ruggeri) that are featured in a poster "Around This Table" (an impressionistic study of the author's kitchen table in 1976). The poster (24" x 36") is available for purchase through the Internet at www.pcadv.org or by calling (800) 932-4632. Price: \$30.00.



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