

# Battered women's groups applaud

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## high court decision

Christine Long can't afford a divorce lawyer right now, but if she could, she would take advantage of a new court rule that allows battered women going through a divorce to seek damages for pain or suffering through a civil suit.

She could just open her mouth and show the jury her missing teeth.

"He knocked all my teeth out," Long, 39, said of her husband, who she said abused her for more than a decade. "I have scars around my eyes. I've been stabbed in the arm, and I have emotional scars. He owes me for pain and suffering, and he owes the children, too."

Long, a resident of Strengthen Our Sisters, a battered women's shelter in Passaic County, and other abused women and their advocates applauded a state Supreme Court ruling released Tuesday that would let them seek compensation before a jury.

His decision is saying, 'A battered woman is no different from any other person who is entitled to sue for injuries.' It's a tremendous step forward for battered women," said Debra Donnelly, an attorney and the director of Alternatives to Domestic Violence, a Bergen County advocacy group.

"It's not enough in that it can no way ever repay the pain and suffering, but it's fair, it's justice," said Sandy Ramos, the director and founder of Strengthen Our Sisters.

Non-custodial parents worry that the rule could open the door for civil suits to be used as leverage in divorce proceedings. But a matrimonial lawyer representing the state bar association said she doubted there would be a substantial increase in the number of cases.

"If it's a legitimate case [of domestic violence], I don't see a problem with that. The problem is when you've got somebody using the legal process to further their ends," said Greg Galbo, a lawyer who heads the Bergen County area chapter of the New Jersey Council for Children's Rights.

Pat Barbarito, chairwoman of the Family Law Section of the state bar association, said she doubted that a flood of new cases would be filed, further tying up an

already overwhelmed family court caseload.

"Is it somewhat burdensome? Sure. But I don't think it's anything judges can't handle."

Barbarito said some matrimonial attorneys may start referring civil cases to personal injury lawyers. One result may be that lawyers take civil domestic violence cases on a contingency basis, she said.

Many battered women like Long, who is from Park Ridge,

can't afford attorneys to represent them and are reluctant to try to represent themselves.

The introduction of civil cases also raises the question of what may be considered as domestic violence and how it is proven in a courtroom, said Dominick Romano, president of the non-custodial parents' group.

"Under the terms as it is used now, verbal and emotional abuse are considered acts of domestic violence," Romano said. "It has

has to be defined more accurately where it only holds true in cases where there is actual physical or sexual abuse and it's proven."

For Shell-Lee, a Passaic County resident who escaped from her British husband's abuse literally with the clothes on her back, the ability to air her charges before a jury is a symbolic acknowledgment of the problem.

Shell-Lee, who asked that her last name not be used, endured her abusive husband's escalating vio-

lence for years. But when he hit their infant son during a vacation in Bangkok, she fled the hotel with her baby, their passports, and the clothes they were wearing for the protection of the American Embassy.

Back in the United States, after eight months in a Passaic County shelter for battered women, Shell-Lee filed for divorce in Bergen County. Last December, a judge granted her child support, alimony, and \$5,000 compensation

for the mental anguish she'd suffered.

She said she never has received any payment, and she is receiving welfare and lives in subsidized housing.

"The good thing about having your peers decide is I don't think people realize how common domestic violence is. Since I came out of the closet about it, so many people have pulled me aside to say, 'This is happening to me, or my sister.'"