

# Women's shelter seeks stiffer penalties for spousal abusers Impetus from shooting of Montclair mom

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Inspired by the fatal shooting of a Montclair mom in her neighborhood YMCA, Monica's Law to limit batterers' visitation rights with their children has been proposed for the Assembly "fast track" and may prompt long-awaited reform called for by Strengthen Our Sisters, a local women's shelter.

Early this month, Assemblyman Thomas Giblin (D-District 34) called for the Judicial Committee to give Monica's Law, restricting visitation rights for those with a domestic violence history, the "fast track" or top priority over other pending legislation.

"We've seen a systemic problem with domestic violence and have to take a positive step to protect both victims and their families," said Giblin, a Montclair resident, in getting behind the law named for 31-year-old Monica Paul, who was shot to death last June in the Montclair YMCA Family Center.

"Monica was born and raised in Montclair so it hit close to home for me not only because it's my district but because I live there," said Giblin, through Chief of State Justin Fahey.

Sandra Ramos, founder of shelters in West Milford and Wanaque, said that her organization has long lobbied for tighter laws to protect the victims of domestic violence. In Monica Paul's case, Kenneth Anton Duckett, 37, of Orange had "curbside visitation" of the children, which kept him in contact with the mother of his two children. Paul was shot to death while watching one of her children take swimming lessons at the neighborhood Y, and though accused of killing the mother of his children, Duckett in March pleaded not guilty to a murder charge.

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Sandra Ramos,  
founder of Strengthen our Sisters

Although Paul's story made headlines, Ramos said she has seen many a horror story result from court orders that endanger women by putting them in continued contact with their batterer. After coming to the aid of domestic violence victims for 40 years, Ramos is firm in her conviction that "batterers should not get custody" and that laws should be beefed up to protect the innocent.

Under the current system, she said, "You get a restraining order and then he has visitation and he knows where you are. It keeps the women trapped and the children endangered."

Ramos said Monica's Law tackles many of the issues SOS has been highlighting for years, but she thinks there are some factors that won't help much at all, such as requiring a public official trained in domestic violence to perform a risk assessment to determine whether the visitation rights of a father, who is named in a restraining order, should be reinstated.

She said that often batterers can shine through these risk assessments, not showing their dangerous side, thereby regaining access to their victims' lives.

"The biggest thing is batterers get custody and these risk assessments don't really catch it [the batterers' true nature] in many cases," she said. "How many

times a woman's killed and they say the [batterer] never showed signs [of such a deadly potential] before?"

Besides the risk assessment, Monica's Law also calls for the following: (1) women who have official documented evidence of domestic violence have the right to withhold visitation of their child for fear of their life or their children's lives; (2) violating a restraining order will have a punishment of three to five years, equivalent to a gun violation; and (3) a convicted offender must wear an electronic device that notifies the victim as well as police when he or she is near the victim.

Although the proposed law seeks to tighten the penalties for violating a restraining order, which is currently 18 months in prison, Ramos said stiffer punishment is "overdue" and suggested that Monica's Law doesn't go far enough in this regard with its three to five years incarceration.

"I do support the law [Monica's Law] but the law is only as good as its enforcement and judges are still saying, 'You're not a battered woman because you waited too long to file charges, and you're not a battered woman because your scars aren't big enough, and you should stay with your batterer because he needs you,'" Ramos said.

Once again on May 8 in front of the Passaic County Courthouse in Paterson, SOS supporters will walk in number with empty baby carriages to "show that many, many good mothers lose custody of their children," she said.

Those interested in joining the baby carriage protest on May 8 can call 973-831-0898. For more information on Monica's Law visit on the Web at [ipetitions.com/petition/Monica](http://ipetitions.com/petition/Monica).

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