

Statement Orchid G. in Support of the Constitutional Amendment for NYS Court Reform

My name is Orchid G. I'm here today to tell you from my own experience about the problems that New York's court system causes victims of domestic violence. I am not only a victim of domestic violence. I am a victim of a court system that is confusing, unfriendly, and dangerous to victims.

In 1994, when I was only 19 years old, I married my second cousin in an arranged marriage in Cairo, Egypt. I met him for the first time only two weeks before our wedding. A few weeks after the marriage, I moved to New York City to live with my new husband.

Within a few months of my arrival in New York City, my husband began to abuse me, first verbally, and then physically by slapping and punching me. He often beat me in the closet so no one could hear my screams. He would throw me out of the car at night in the cemetery near our home. During one of the worst incidents, he demanded that I give him my passport. When I refused, he threw the dinner I had just cooked into the garbage can and demanded that I eat out of it. Then he choked me until I passed out. A neighbor called the police, I was taken to the hospital, and he was arrested.

After that I went to stay with my aunt in California, but my husband, his family, and the priest from my church persuaded me to return. When I got back things were even worse. My husband continued to abuse me and even taped my phone calls with the District Attorney. When I discovered what he was doing, I called the police. They left without doing anything. My husband found out, beat me, and threw me into the street with our six-month-old baby. I fled to my church and was placed in a shelter for victims of domestic violence. Now that my husband could no longer abuse me physically, he began to abuse me through the legal system.

First my husband filed for custody of our baby. When I got to Family Court, I was terrified and confused. He was with his family and his lawyer. I was all alone. Before I had left he told me that if I left him I would be deported and would never see my daughter again. I believed that what he said was true. There was no one in Family Court to tell me otherwise or to explain what was happening. There was no one to explain to the judge how

dangerous my husband was. Before long, he had unsupervised visits with our baby daughter. She came back sick and dirty.

My husband had me followed after a visit and learned my new address and where the babysitter lived. One night when I was working he went to the babysitter and kidnapped my baby. I was frantic. I called the police, and he was arrested.

After my husband was arrested, his brother told me that if I didn't drop the criminal case I would be in trouble. I told the District Attorney that I had to drop the case or something bad would happen to me. She told me that I didn't have to worry because I was in the United States, not Egypt, and that here women have rights. One week later, I got a phone call from a detective who told me to come in to the precinct. Once I got there he told me that my husband had told him that I had chased him with a knife. The detective said that he knew that it was a lie, but that he had to arrest me. I spent that night shivering in a jail cell. When the judge released me, my husband stood in the courtroom laughing. He told me that if I didn't behave, I would spend every weekend in jail.

By this time, I had seven separate cases in three different courts before four different judges. I had custody, visitation, and cross order of protection cases in the Family Court before one judge; I had a child support case in the Family Court before a hearing examiner; I had a case against my husband in Criminal Court; and he had a case against me in Criminal Court before a different judge.

Over the next four years, there even more cases before even more judges. I went to Supreme Court for a divorce. I went to Civil Court in a case that my husband's brother brought against me to harass me. After I got child support, my husband refused to pay, so I had to bring three more cases against him before the hearing examiner in Family Court. Then, when the judge in Family Court finally denied my husband unsupervised visitation, his mother brought a case against me.

In five years I had fourteen separate cases in seven different courtrooms before seven different judges. Each time I appeared before a different judge I had to tell my story over again. I can't tell you how painful it was to tell my story over and over. It made it impossible for me to recover from the traumatic events I had survived.

It also made it impossible for me to get on with my life—to continue my education and find a job. In the child support case alone, I have been in court 45 times, each time for an entire day. For the custody, visitation, and order of protection cases, I've made more than 100 court appearances, usually for an entire day. Many times I tried to take courses in a community college, but each time I had to drop out because the court cases made me miss so many classes. I was fired from three different jobs because of the time I had to take off to go to court and prepare for trial.

The experiences in court were so stressful to me that I was constantly sick. Words cannot describe the toll they took on me emotionally. They also contributed to my daughter's level of stress. Often several times a month, she saw her mother sleepless at night, anticipating a difficult day in court, and crying and distraught afterwards.

In many ways, I was very lucky. The judge in Family Court—Judge DePhillips—eventually realized what was happening. After a trial, he gave me full custody and a three-year order of protection against my husband. He ordered that my husband's visits with our daughter be limited to one hour a week and supervised, and he dismissed my husband's mother's visitation case. Judge DePhillips was kind and sensitive and understood the danger my daughter and I were in. The Hearing Examiner gave me child support and three times threatened my husband with jail when he stopped paying. I had lawyers from Sanctuary for Families who fought for me in every case.

But the conditions in the Family Court were terrible—crowded, dirty, and dangerous. Judge DePhillips had so many cases on his calendar, that people like me often had to wait an entire day. He had to keep adjourning the cases over and over because there were so many. There were no social workers in the courtroom to help victims or their children. There was no one to make sure that abusers did what they were ordered to do. No one seemed aware that victims of domestic violence have special needs and need special services. When I went to Supreme Court for my divorce, I could see that Family Court was a poor person's court. It shouldn't be that way because Family Court often handles cases in which a woman or a child's safety and survival are at stake. It shouldn't be considered second class.

The court system in New York is in desperate need of change. It should be easy and convenient for victims of domestic violence to get help from the

courts. Instead it is confusing, frightening, and often even increases the danger that we are in. Instead of stopping abusers, too often our court system gives them another weapon to use against their victims. I hope that after hearing about my experience, you will understand how important it is to change the courts so that they are victim-friendly. No victim of domestic violence should have to go through what I did just to try to make a safe life for herself and her child.