MARYLAND WOMEN



A PUBLICATION OF THE MARYLAND COMMISSION FOR WOMEN

VOL. 7, NO. 1 - March, 1980

A Commission of the Department of Human Resources

--- MESSAGE FROM THE CHAIRWOMAN ---

The past decade has produced significant changes in the law as it affects the women of Maryland. Because of this decade of progress, this issue of *MARYLAND WOMEN* is offered to you as a brief review. Each year at this time when the Maryland General Assembly is convened, legislative issues which affect women surface as our concern. This year is no exception, so in each legislative category reviewed in this issue we have provided a listing of some bills in that area which will be considered by the Maryland General Assembly. I would hope you consider this listing a call to action—either in your women's organization or as an individual Maryland woman—to pursue and serve as an advocate for any woman's legislative issue of importance to you.

I want to take this opportunity also to tell you about some of the activities of the Maryland Commission for Women this year.

On January 26, 1980, the Commission convened the first organizational meeting of the Maryland Network Against Domestic Violence. As a result of that meeting, an elected statewide board has been established and bylaws have been adopted. The Network is ready to begin its important task—serving as an active advocate for domestic violence victims and their families. A brief review of the conference is included in this issue for you. We hope you will consider membership in the Network.

This spring the Commission will be sponsoring conferences on Sexual Harassment in the Workplace and Fund-raising Skills for Women. A conference for volunteers, one for the Hispanic woman, and a conference on women and health are being discussed for the fall of 1980.

As I stated to you in my first message as Chairwoman, we are entering a most difficult era in which attitudes will have to change to reflect the laws that have secured our legal rights. I do hope the on-going activities of your State Commission reflect that pursuit of our goal of changing attitudes.

Jo-Ann Orlinsky Chairwoman

SPECIAL LEGISLATIVE EDITION

"Moving into the 80's"

BACKGROUND

During the 1970's almost every facet of the life of a woman living in Maryland was affected by changes in the law. On November 7, 1972 the voters of Maryland, by more than a 2-to-1 margin, ratified the Maryland Equal Rights Amendment (ERA), and on December 5, 1972 the amendment, Article 46, Declaration of Rights of the Constitution of Maryland, became law. It reads:

"Equality of rights under the law shall not be abridged or denied because of sex."

In 1973, in an attempt to make Maryland law conform to the new amendment, a number of bills were introduced which sought to remove sex discrimination from the codified law. Many women's groups took the position that meaningful ERA implementation could only be achieved if both case law and codified law were considered together.

As a result of these concerns, the Maryland General Assembly passed SR 186 and a Governor's Commission to Study Implementation of the Equal Rights Amendment was established by Executive Order. The Commission was constituted in September 1973 and was limited to a five-year period in which it was to review case and statutory law systematically to make recommendations for change to the Governor and the General Assembly. This Commission had completed most of its major goals by July 1, 1978, when it was dissolved. The labors of the ERA Commission are documented in its final report, *REPORT TO THE GOVERNOR*, submitted to the Governor in June 1979.

In an effort to ensure that equal rights for all Maryland citizens will be a continuing concern, the Maryland Commission for Women is responsible for monitoring the completed work of the ERA Commission. In addition, the Maryland Commission for Women is serving as the repository of the ERA Commission library, research, files, and other information that will assist this effort and provide the basis for future study and action.

The following general review reflects the major legislative changes affecting Maryland women in the 1970's. At the end of each category, there is a partial listing of the legislation introduced for legislative consideration in the 1980 General Assembly session. This listing may be of some use to you and your organization if you are advocating legislative change on a specific issue.

--- CRIMINAL LAW ---

RAPE AND SEXUAL OFFENSES

In response to growing public awareness and concern about the emotional trauma of rape and the marked increase in the incidence, a Special Legislative Committee on Rape and Related Offenses was appointed by the President of the Senate in 1975. The committee was charged with studying the existing rape laws in Maryland and making legislative recommendations for change.

Two major changes in the law were enacted by the 1976 Maryland General Assembly. The first major change sex neutralized the crimes of rape and sexual offenses and divided these categories into degrees so the degree of severity of the kind of criminal act is defined more clearly. The second legislative change restricted the admissibility of evidence of a rape victim's prior sexual conduct and reputation.

In 1977, legislation passed which required police training for crimes of rape and sexual offenses, including procedures for contact with and treatment of victims. Further, the state, if necessary, now assumes payment of doctor and hospital expenses for evidence gathering in rape and sexual offenses cases.

Maryland rape laws, as comprehensively reformed in 1976, have been considered progressive and enforceable. There have been some specific areas in which change has not been made and some of the proposals have been submitted for legislative consideration this year including:

- HB 837
 SB 433
 Rape and Sexual Offense Victims—Payment of Medical Expenses
 (Sheehan, et al) (Abrams, et al) Altering the present reimbursement procedure for the victims of rape and sexual offenses. (HOUSE WAYS AND MEANS) (SENATE FINANCE)
- HB 838 | Rape and Sexual Offenses—Jury Instructions (Sheehan, et al) |
 (Abrams, et al) Limiting jury instructions which may be given in prosecutions of certain rape and sexual offense cases. (HOUSE JUDICIARY) (SENATE JUDICIAL PROCEEDINGS)
- HB 839
 SB 431
 Rape and Sexual Offenses Trials—Admissibility of Certain Medical
 Reports and Records (Sheehan, et al) (Abrams, et al) Permitting in a
 criminal proceeding for rape or sexual offense the admissibility of
 evidence of certain medical reports and records. (HOUSE
 JUDICIARY) (SENATE JUDICIAL PROCEEDINGS)
- HB 1174 Maryland Advisory Commission on Rape and Sexual Offenses (Brown, et al) Establishing the Maryland Advisory Commission on Rape and Sexual Offenses within the Department of Health and Mental Hygiene. (JUDICIARY)

Criminal legislation continued:

HB 1997 Rape (Owens) Re-establishes threat of force as a basis for non-consent in rape cases. (JUDICIARY)

--- DOMESTIC LAW ---

DOMICILE

Early efforts to change the Maryland common law doctrine that a married woman's domicile is the domicile of her husband met with emotional resistance, because it was felt that any change in this common law doctrine would cause a breakdown the family. However, legislation was enacted in 1976 which provided that a spouse's domicile was not fixed by law, and that refusing to follow a spouse in his or her choice of domicile is not in and of itself a ground for divorce.

NAMES

A married woman had the legal right to use her maiden or any name of her choice after marriage as long as it was used consistently and non-fraudulently even before passage of the Maryland ERA. There were, however, several statutory provisions which were based on the assumption that a woman would assume her husband's name, especially on her driver's license, and for voting, running for office and credit. The last vestiges of these discriminatory practices against married and divorced women had been settled through the courts or the legislative process by 1979.

CUSTODY AND CHILD SUPPORT

Since 1974, the sex of the parent cannot be the basis to determine custody of a child and this law was later clarified in a 1978 court decision. In 1976, trial courts were given the authority to order liens on the earnings of a party defaulting in child or spousal support payments. At that time also, a Division of Child Support Enforcement was established statewide. The issues of decriminalization of child support and enforcement continue to be issues as reflected in the following proposed legislation:

HB 582 Support of Dependents (Owens) (Curran) Decriminalizing the non-support of children in certain circumstances, establishing uniform civil procedures to be used in support proceedings, and making technical corrections. (JUDICIARY) (JUDICIAL PROCEEDINGS)

HB 1538 Social Services Administration—Bureau of Child Support (Perkins) Requiring that the Bureau of Child Support of the Social Services Administration offer equal services to all persons in need of child support. (JUDICIARY)

Several bills have also been introduced to establish a suitable mechanism for collection and payment in child support cases.

MARITAL PROPERTY AND ALIMONY

Although numerous pieces of legislation were introduced which attempted to reform the disposition of marital property in divorce cases, it was not until 1978 that comprehensive legislation was enacted which created different categories of property, provided for monetary awards and disposition of family use property, and recognized the non-monetary contributions of the homemaker. The Governor's Commission on Domestic Relations Law has requested that the following legislation, developed by that Commission, be considered by the 1980 General Assembly:

HB 1810 Chancery—Alimony (Departmental) Incorporates flexibility rather than dictating unbending criteria in alimony decisions and provides for case-by-case decision and subsequent review, if necessary.

(JUDICIARY) (SB 811 is the Senate companion bill assigned to JUDICIAL PROCEEDINGS)

BATTERED SPOUSES

Successful efforts to provide relief for victims of spousal assault and their children include the following legislative enactments: In 1977, equity courts in divorce cases were given the authority to issue injunctions to protect a party from physical harm or harassment; the Department of Human Resources established a model temporary shelter home for battered spouses; and the Maryland State Police were required to keep certain records relating to battered spouses. Legislation enacted in 1979 required law enforcement officers to provide protection for and to assist victims of spousal assault in removing necessary personal effects from their home.

Additional domestic legislation introduced in the 1980 General Assembly session includes:

- HB 319 Battered Spouse Shelters—Funding Marriage License Fees
 (Goldwater, et al) Imposing an additional fee for issuance of marriage licenses to be used in addition to federal and appropriated state money for use in funding battered spouse shelters. (WAYS AND MEANS)
- HB 765 Homeless Women—Shelter (Perkins, et al) Establishing in the Department of Human Resources a model shelter home for "homeless women." (WAYS AND MEANS)
- HB 1713 Battered Spouse Program (Sheehan, et al) Establishing the shelter home for battered spouses as a permanent project and expands the program throughout the state. (WAYS AND MEANS)
- HB 1945 Protection from Domestic Violence (Rymer, et al) (Abrams, Curran, SB 159 and Judicial Proceedings Committee) Establishing a civil procedure available to victims of domestic violence; providing for the venue, remedies, and procedures in cases of domestic violence; granting certain equitable jurisdiction to the District Court and to the Circuit Court. (JUDICIARY) (JUDICIAL PROCEEDINGS)

--- EMPLOYMENT, EDUCATION, CREDIT, HOUSING, HEALTH ---

EMPLOYMENT

Recognizing that historically women's work patterns are different from men's work profiles, legislation was introduced and passed in 1975 which provided for a phase-in of a minimum number of part-time positions in State Government. Since 1973, domestic workers, 82% of whom are women, have been included under the minimum wage law and in 1975, these workers were included in the State's Workmen's Compensation Law.

Because of widowhood, separation, divorce, or husband's disability, women who had been working primarily as homemakers discovered that re-entry into the marketplace was difficult if not impossible. As a result of this concern, the 1977 Maryland General Assembly passed legislation that would establish a program for displaced homemakers. Since its inception, 5000 Maryland women have used the Displaced Homemakers Program as an avenue to economic independence.

The law has been changed to prohibit sex discrimination in the awarding or performance of State contracts and has given women business owners minority status so they can compete within the 10% set aside for State contracts.

The law now requires that, for all employment-related purposes, disability due to pregnancy shall be treated as other temporary disabilities.

The actual work environment has provided another arena of concern—specifically regarding sexual harassment. In response to this specific employment-related problem, the following resolution has been introduced into the 1980 Maryland General Assembly:

HJR 122 Sexual Harassment in Employment (Conaway) Requesting a Commission to study sexual harassment in employment. (CONSTITUTIONAL AND ADMINISTRATIVE LAW)

EDUCATION

Changes in education and educational institutions in this past decade were reflected more in policy than in statutory law. Concern over possible changes in the Federal Sex Equity regulations led to introduction of legislation in 1979 and again in 1980 in an attempt to develop a state policy on sex discrimination in education at the elementary/secondary level and in higher educational institutions. The bills introduced this session, HB 1056 and HB 1057 (Maurer), received unfavorable reports in the House Constitutional and Administrative Law Committee.

CREDIT

During the 1970's Maryland Law eliminated any existing discriminatory practices in the granting of credit. The Maryland Equal Credit Opportunity Act was strengthened and the granting or withholding of credit could no longer be based solely on sex or marital status—only on ability to pay with a credit standard that had to be applied equally regardless of sex.

HOUSING

Sexually discriminatory policies in the rental, sale or financing of housing have been prohibited by statute since 1974. In 1978 the Human Relations Commission Code was amended to prohibit sex discrimination in public accommodations, exempting facilities provided for activities of a private nature.

Legislation has been introduced this year to further strengthen the Human Relations Commission which enforces housing discrimination violations in Maryland. (HB 1978)

HEALTH

Several areas of health insurance have been amended by law to reflect non-discriminatory practices, including disability resulting from pregnancy. In 1976 and 1977 legislation was enacted which assisted dependent spouses by requiring the convertibility of group health policies to individual policies and by requiring that notice be given to dependents of terminations of coverage.

In 1973, the Supreme Court determined that every woman's decision concerning reproduction is appropriate within the confines of the doctor-patient relationship. Since that time, the reproductive issue in Maryland has revolved around the use of public dollars to pay for abortions for women who were unable to afford this choice otherwise.

As a result of budget language adopted by the 1979 General Assembly session, expenditure of state dollars is currently permitted for abortions within certain defined circumstances. The Governor's proposed FY 81 budget provides medicaid funding for abortions without defined circumstances. It is anticipated that legislative debate on budget language will occur again during the 1980 General Assembly session.

The following legislation has been introduced in the 1980 session that addresses women's health issues:

- HB 444 Adolescent Pregnancy, Parenting and Prevention (Goldwater, et al)
 Establishes a statewide council and the development of multi-service
 centers throughout the state. (WAYS AND MEANS/ENVIRONMENTAL MATTERS)
- HB 995 Drug DES—Information and Assistance (Pitkin, et al) Identifying persons who have been exposed to the hazards of diethystulbestrol requiring that the Secretary of Health and Mental Hygiene promote a public information campaign on DES. (ENVIRONMENTAL MATTERS)
- SB 869 Abortion—Information (Connell) Requiring that women seeking abortions be required to sign an informed consent statement and be shown a sound film. (CONSTITUTIONAL AND PUBLIC LAW)

The cooperative efforts of the women's organizations of Maryland, governmental agencies, the Maryland General Assembly and the Governors of Maryland have brought about a decade of progress in Maryland law. There are still serious areas of concern: insurance, employment, health, pensions—and these concerns are visible through the over 100 bills affecting Maryland women introduced into the 1980 General Assembly session. Complete information and status of these bills may be obtained by contacting the Maryland Commission for Women's office at 301/383-5608.

Used as a resource in the preparation of this newsletter: REPORT TO THE GOVER-NOR, the final report of the Governor's Commission to Study Implementation of the Equal Rights Amendment.

STATEWIDE ADVOCACY NETWORK

DOMESTIC VIOLENCE NETWORK The Maryland Commission for Women convened the first meeting of the Maryland Network Against Domestic Violence on Saturday, January 26, 1980 at Howard Community College in Columbia, Maryland.

The formation of the network grew out of a concern expressed by advocates against domestic violence that a broad based statewide advocacy group is necessary to address those needs which are beyond the ability of the existing programs.

With over 150 men and women in attendance, the morning segment of the conference included opening remarks by *JO-ANN ORLINSKY*, Chairwoman of the Maryland Commission for Women, a keynote address by *YOLANDA BAKO* of the National Coalition Against Domestic Violence, and three workshops—How Can a State Coalition . . . A) Help Shelters for Battered Women? B) Impact on Domestic Violence Legislation? C) Provide Community Education on Domestic Violence Issues? The recommendations emerging from the workshops will be presented to the new board of the Network for consideration as priorities for its first year.

The afternoon segment of the conference was devoted to development of the structure for the network. *KATHLEEN O'FERRALL FRIEDMAN*, Board Member of the House of Ruth—Baltimore, served as facilitator for this segment which included the adoption of the Network Bylaws and the election of officers and board members. The officers and board members who were elected to serve one year terms are:

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Vice President—Kathleen J. Small (Prince George's County)
Recording Secretary—Michael Cenci (Carroll County)
Corresponding Secretary—Kathleen Ellis (Baltimore City)
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WASHINGTON COUNTIES)

Barbara Hedrick Jeanne Jenkins Marlena Lusby
The newly formed network will work to increase public awareness of the problem of
domestic violence, monitor the judicial process, work for needed changes in the law for better services for victims, and become the organization representing Maryland in the National

Since 1977 the Maryland Commission for Women has convened the Crisis Shelters Coalition under the guidance of *COMMISSIONER BETTY PIKE*. The expansion of this advocacy group beyond the actual crisis shelters and programs into a formalized statewide structure has the potential of becoming the most forceful and organized effort in Maryland, to say with one voice that "domestic violence is no longer an acceptable part of our culture and will not be tolerated."

Membership in the Network is open to any individual interested in the problem of domestic violence. For information regarding membership or other interest in the Network, please contact: *MARCELLA SCHUYLER* (889-0193), the MCW office (383-5608), or one of the board members in your area.

SPOTLIGHT ON LOCAL COMMISSIONS AND COUNCILS IN MARYLAND

SPOTLIGHT ON THE PRINCE GEORGE'S COUNTY COMMISSION FOR WOMEN The Commission for Women of Prince George's County was established by law in 1972 in response to the growing awareness of the urgent and particular needs of women. Its purpose is two-fold: advocacy for the rights of women and services to meet their special needs.

Working toward the goal of equality for women in the county are: MARIE K. SMITH, Chairperson; JACQUELINE BROWN, Vice-Chairperson; CHRISTINA MOONEY, Second Vice-Chairperson; and Commissioners SOL DEL ANDE EATON, JAMES HUBBARD, LORRAINE LEVAN, ELIZABETH MAFFAY, ROSE NEITZEY, KATHY SMITH, and MARY E. TURNBULL. In addition, a staff of four provides administrative support and additional services to the community.

The Commission has, in the past, established various programs and activities to deal with those issues affecting women. These have included: an open forum on domestic violence; seminars in such areas as credit, housing and health; services offered to the detainees in the county detention center; assistance in the formation of the Rape Crisis Center; establishment of a Court Monitoring Program; and publications on such topics as domestic violence, housing, divorce, name change, etc.

In 1979, the Commission undertook the monumental task of surveying the women of Prince George's County. Thirty-five trained volunteers talked to women in eight different socio-economic categories, speaking four different languages. The Commission is extremely proud of the response to the survey since it is the first such effort of this kind that has been done in the county. Publication is anticipated for February or March 1980.

Five programs are planned for the first six months of 1980, including a seminar on spousal abuse held on January 17 for professional and medical staff at Andrews Air Force Base (copies of the model developed for the seminar may be obtained from the Prince George's Commission for Women); a career fair planned with the EEO office of Andrews Air Force Base; a seminar for homemakers who wish to enter the workforce on April 12; and a "Women and Credit" workshop co-sponsored with Consumer Credit Counseling at the University of Maryland on May 3. Women's Fair '80, to be co-sponsored with nine other women's organizations in the county, is planned for April 26.

The on-going projects of the Prince George's Commission for Women include: Child Care Committee which submitted a proposal to the county Board of Education for an extended day pilot program in the schools, monitoring Title IX in the county schools, and, the establishment of a bank of non-traditional role models and career options for school-age girls. The Committee for Incarcerated Women plans to broaden the already existing program for the women being held in the county detention center.

New goals for 1980 include a more active role in both State and Federal legislation, the establishment of programs to deal with the particular needs of both the older and younger woman, and a broader educational outreach to the community on the role of the Commission.

Chairperson Marie K. Smith has expressed the hope that ". . . a small amount of success in the area of women's rights will not be mistaken for total victory. There is still much to do as we work toward the elevation of the status of *all* women."

HIGHLIGHTING MARYLAND WOMEN

Beginning with this issue, MARYLAND WOMEN will honor two Maryland women in each issue. The women must have been recognized for their special achievements elsewhere, and this achievement must be in the subject highlighted in that specific issue.

With this legislative issue of *MARYLAND WOMEN*, therefore, the Maryland Commission for Women is pleased to recognize two Maryland women legislators whose achievements have been officially recognized by others.

The Maryland Commission for Women extends warmest congratulations to these Maryland Women legislators;

Delegate Pauline Menes (District 21—Prince George's County) was recently elected President of the National Order of Women Legislators and is currently serving in that capacity. She was elected to the Maryland General Assembly in November 1966. Delegate Menes is Co-Chair of the Special Joint Committee on Corrections and serves on the House Judiciary Committee. In addition, she is a former president of the Women's Caucus of the Maryland General Assembly; former Chairperson of the Maryland Delegation to the National IWY Conference held in Houston, Texas; a member of the State Commission on Aging, the Maryland Arts Council, and Board of Directors of Prisoners Aid of Maryland.

Delegate Lorraine Sheehan (District 25—Prince George's County) recently received the Ann London Scott Award as "1980 Maryland Woman Legislator of the Year". The award was presented by the National Organization for Women (NOW) at an awards reception in Annapolis. Delegate Sheehan is serving her second term in the Maryland General Assembly, where she previously served on the House Judiciary Committee and currently serves on the House Ways and Means Committee. Delegate Sheehan served on the Interim Rape Task Force established by the President of the Senate in 1975 and has been a leading advocate of changes in the rape laws.



MARYLAND COMMISSION FOR WOMEN

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MARYLAND COMMISSION FOR WOMEN

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Dear Friends:

The next issue of the Maryland Commission for Women's <u>Calendar of Events</u> will be published late in August and will cover events for the fall months of 1980, September, October, and November.

Please use the form below to notify us of any events which you would like us to publicize for your organization. Be sure to return the form to our office no later than August 10, 1980 so the Calendar may be prepared and distributed in timely fashion. Mail to: Vicki T. Wilson, Editor, Calendar of Events, Maryland Commission for Women, 1100 N. Eutaw St., Baltimore, Md. 21201; or call 301/383-5608.

The Maryland Commission for Women reaches a <u>statewide audience</u> through its <u>Calendar of Events</u>, so we are most anxious to hear about women's events and programs in all areas of the state including Southern Maryland, Western Maryland, Eastern Shore, Washington Metropolitan Area, and Baltimore Metropolitan Area.

We are very pleased with the response to our <u>Calendar of Events</u> and look forward to continuing to provide this service for you.

NEXT ISSUE OF CALENDAR

| Title of Event: | | |
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| Date and Time: | | |
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| Brief Description of Event:_ | | |
| What is the cost and what wi | ll it include (registrati | on, parking, meals)? |
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| Who should be contacted for | further information? (Wi | ll be published) |
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LEGISLATIVE UPDATE

The following major pieces of legislation were passed by the Genera Assembly and have been prepared for the Governor's signature:

- . HB 543 Income Tax Deduction Use of vehicle for charitable purposes.
- . HB 765 Homeless Women Shelter.
- . HB 837 and SB 433 Rape and Sexual Offense Victims Payment of medical expenses.
- . HB 995 Drug DES Information and Assistance.
- . HB 1713 Battered Spouse Program.
- . HB 1945 Protection from Domestic Violence.
- . SB 811 Chancery Alimony.



April 15, 1980

MARYLAND COMMISSION FOR WOMEN

1100 North Eutaw Street Baltimore, Maryland 21201

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