

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

In re Temporary Funding of Core)
Functions of the Executive Branch)
Of the State of Minnesota)

Affidavit of Cynthia K. Cook
Executive Director of the
Minnesota Coalition for Battered Women

Court File No. 62-CV-11-5203

Affiant Cynthia K. Cook, first being duly sworn, hereby states:

1. I am the Executive Director of the Minnesota Coalition for Battered Women (MCBW) located at 60 East Plato Blvd. Suite 130, St. Paul, MN 55107.
2. MCBW is a well-established, membership organization with 83 member programs located throughout Minnesota with a strong history of effectively carrying out programming that advances women's safety and security. While this request is on behalf of all state-funded crime victim service providers, we are best positioned to discuss the critical and life-saving services of domestic violence programs and emergency shelters and safe homes serving battered women and their children. Exhibit A.
3. This affidavit is in support of the Minnesota Attorney General's request "that the Court should direct that the core functions of the executive branch of government continue to be performed and that payments be made for the performance of such functions."
4. The Minnesota Coalition for Battered Women (MCBW) requests that crime victim services including domestic violence programs, shelters and safe homes for battered women and their children, supervised visitation centers, sexual violence programs ,

abused children programs and general crime programs be designated by the court as core functions of government.

5. The Minnesota Courts, Attorney General and Governor have all argued that the State of Minnesota has a responsibility to ensure the health and safety of its citizens. The Court has held that the executive branch is obligated to continue funding its core functions during a budgetary impasse. Such “core functions” include matters relating to the life, health and safety of Minnesota citizens as well as functions required to be performed by the State or a federal contract or federal law. *In Re Temporary Funding of Core Functions of the Executive Branch of the State of Minnesota*, Court File No. C0-05-5928 (Dist.Ct. June 30, 2005) The Minnesota Attorney General has petitioned the court to continue core functions of government in the event of a government shutdown arguing that “the life, health, safety, and liberty of citizens would be profoundly and irreparably impacted” by such a shutdown. The Governor has responded with a petition describing the state’s constitutional mandate to provide for the “security, benefit, and protection of the people “ and convened a state work group to create a priority setting framework that includes immediate threat to public health and safety and facilities that operate 24 hours a day under Priority 1 services that must remain uninterrupted. It is the state’s responsibility to prevent and prohibit violence against women and to provide protection and support for victims. To meet this responsibility, the Minnesota State Legislature created remedies to protect victims of domestic violence and to hold abusers accountable for their actions, including: 1) establishing funding for domestic violence advocacy programs and emergency shelters for battered women and their children (M.S. 611A.32); creating a civil Order for Protection issued under the Domestic Abuse Act (M.S. 518B);

and creating criminal statutes including the domestic assault statute (M.S. 609.2242.)

Over the years, the state has come to understand that domestic violence is rarely an isolated incident but is rather a pattern of behavior. The patterned nature of domestic violence led to the creation of a special Minnesota statute, the qualified domestic violence related offense (M.S. 609.02 subd. 16.) The QDVRO encompasses an extensive list of crimes committed alone or in combination against an intimate partner or family member, including:

- violation of domestic abuse order for protection;
- violation of domestic abuse no-contact order;
- murder in the first and second degree;
- assault in the first through fifth degree;
- domestic assault;
- domestic assault by strangulation;
- criminal sexual conduct in the first through fourth degree;
- malicious punishment of a child;
- terroristic threats;
- violation of harassment restraining order;
- harassment/stalking; and
- interference with an emergency call.

6. Shelters and safe homes provide one of the few safe and secure respites from this violence. Domestic violence advocacy programs assist women in developing plans for their safety, navigate an often confusing and complicated criminal justice system, and secure protection orders to increase security and prevent continued harm. These programs are available 24-hours a day, seven days a week and not only coordinate their services with local law enforcement and criminal justice system responses but also augment and support these systems to achieve greater offender accountability.

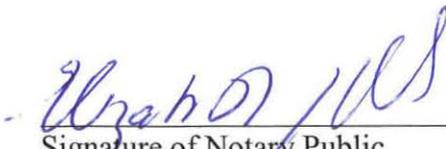
7. In FY10, **35,359** victims were served by 60 domestic violence community advocacy programs; **10,609** victims were served by 20 domestic violence criminal justice intervention programs; **4,271** adult women and their **4,721** children were served by 27

domestic violence emergency shelters; and **548** adults and **613** children were served by domestic violence safe home or hotel/motel networks. That same year, the state domestic violence crisis line operated by Day One received **more than 1,000 calls every month**.

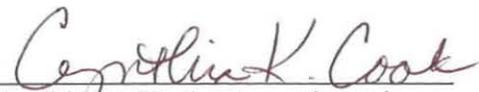
8. With the exception of funding for the state domestic violence coalition (MCBW), domestic violence services that receive state and federal funding administered by the Minnesota Office of Justice Programs should be deemed essential to the health and safety of battered women and their children.
9. If these programs are not deemed critical services and state funds are not authorized for these services--the disruption in services will be immediate and the impact far-reaching. A few of these programs have successfully established financial reserves through foundation grants, corporate and individual donors sufficient to sustain services through a temporary and brief government shutdown. However, most of the programs --- both urban and rural, --- have struggled to maintain the funding necessary to provide 24-hour staff coverage; a 24-hour crisis line; the wide range of advocacy services needed to address the harm and attain family stability; and safe, secure facilities. Most programs do not have reserve funding to guarantee staff wages to stay open during a government shutdown. Many will not be able to provide services to new residents. Some will be forced to close.
10. An interruption in the services that support criminal justice system intervention will create increased danger of domestic homicide. Every year, at least 20 Minnesotans are killed as a result of domestic violence. So far in 2011, sixteen people have already died as a result of domestic violence.

11. Without emergency shelter and advocacy to secure a safe place to live, victims of domestic violence may be forced to choose between staying in a dangerous situation or becoming homeless.
12. Thousands of women suffer physical and sexual assaults each year. These victims of domestic violence turn to domestic violence advocacy and shelter programs for critical services including crisis hot lines, emergency housing, emergency transportation, and assistance with protective orders. Without these critical services the likelihood of continued harm increases.
13. Several state-funded domestic violence programs and shelters offer services in multiple languages and provide specialized support for immigrant and refugee victims of domestic and sexual violence. These programs have had to work particularly hard to overcome cultural barriers and to establish community trust. A disruption in services would have a lasting impact on community confidence that could take years to re-establish.
14. The State of Minnesota has an obligation to provide for the health and safety of the public. The services provided by domestic violence programs and battered women's shelters and safe homes are critical in providing protection. We urge the Court to grant the Attorney General's request to fund the core functions of government and to specifically continue operation of the crime victim services funded through the Minnesota Department of Public Safety Office of Justice Programs.

Further Affiant sayeth not.



Signature of Notary Public
Subscribed and sworn to before me
this 22nd day of June, 2011.



Cynthia K. Cook, Executive Director
Minnesota Coalition for Battered Women





Minnesota Coalition for Battered Women Member Programs

- 360 Communities**, Dakota
Advocates Against Domestic Abuse, Aitkin & Crow Wing
Advocates for Family Peace, Itasca
Advocates for Human Rights, National & International
Ain Dah Yung, Ramsey
Alexandra House, Anoka
American Indian Community Housing Org., St. Louis, Koochiching, Lake, Cook, Itasca
Anna Marie's Alliance, Sherburne
Asian Women United of MN, Metro Area
Aurora Center for Advocacy & Education, Univ. of MN
Battered Women's Legal Advocacy Project, Statewide
Bluff Country Family Resources, Houston
Bois Forte Victim Services, Nett Lake, Koochiching, St. Louis
Breaking Free, Ramsey
Carlton Co Sexual & Domestic Abuse Program, Carlton
Casa de Esperanza, Metro Area
Central MN Jobs & Training Services, Wright
Clay Co Victim Services, Clay
Committee Against Domestic Abuse, Brown, Nicollet, Martin, Blue Earth, LeSuer, Sibley, Waseca, Watonwan, Faribault
Community University Health Care Center, Hennepin
Cook Co. General Crime Victim Services, Cook
Cornerstone Advocacy Services, Hennepin
Crime Victim Services, Inc., Brown, Nicollet, Sibley
Crisis Resource Center of Steele Co., Steele
Deborah's Place, Hennepin, Ramsey
Division of Indian Work, St. Louis
Domestic Abuse Intervention Programs, St. Louis
Domestic Abuse Project, Hennepin
Dwelling Place, Metro
Equay Wiigamig, Beltrami
Fillmore Family Resources, Fillmore
Freeborn County Crime Victims Crisis Center, Freeborn
Friends Against Abuse, Koochiching
Gender Violence Institute, Stearns, Wright
Hands of Hope Resource Center, Morrison, Todd
Headwaters Intervention Center, Hubbard & Clearwater
Hope Center, Rice
Hope Coalition, Goodhue
Isaiah Domestic Violence Task Force, Metro
Lakes Crisis & Resource Center, Becker
Marshall Co Victim Services, Marshall
McLeod Alliance for Victims of Dom. Violence, McLeod
Migrant Health Service, Polk, Norman, Clay, Pennington, Kittson, Marshall
Minnesota Center Against Violence & Abuse, National
Minnesota Indian Women's Resource Center, Hennepin
Minnesota Network on Abuse in Later Life, Statewide
Missions, Inc./Home Free, Hennepin
Norman County Victim Assistance Program, Norman
North Shore Horizons, Lake
- Northwoods Coalition for Family Safety**, Beltrami, Cass, Clearwater, Hubbard, Lake of the Woods, Mahnomon
Pearl Crisis Center, Mille Lacs
Perspectives, Inc., Hennepin
Pillsbury United Communities, Hennepin
Praxis International, National & International
Project P.E.A.C.E., Hennepin
Range Women's Advocates, St. Louis
Rape & Abuse Crisis Center of Fargo-Moorhead, Clay, Wilkin
Refuge Network, Chisago, Isanti, Kanabec
Rivers of Hope, Wright & Sherburne
Ruth's House, Rice
Safe Avenues, Kandiyohi, Swift, Chippewa, Lac Qui Parle, Renville, Meeker
Safe Haven Shelter, St. Louis, Carlton, Aitkin, Itasca, Lake, Cook, Koochiching
Safe Journey at North Memorial, Hennepin
SEWA-AIFW (Asian Indian Family Wellness), Metro
Sheila Wellstone Institute, National
Sojourner Project, Hennepin
Someplace Safe, Big Stone, Grant, Pope, Stevens, Douglas, Traverse, Wilkins, Otter Tail
Southern Minnesota Regional Legal Services, Southern MN
Southern Valley Alliance for Battered Women, Carver, Scott
Southwest Crisis Center, Noble, Pipestone, Rock, Cottonwood, Jackson
St. Paul Intervention Project, Ramsey
Violence Intervention Project, Pennington, Polk, Marshall, Kittson, Roseau, Red Lake, Norman
Violence Prevention Center, Cook
WATCH, Hennepin
White Earth DOVE Program, White Earth Reservation, Mahnomon, Becker, Clearwater
WINDOW, Pine & Kanabec
Wings Family Supportive Services, Douglas
Women of Nations, Ramsey
Women's Advocates, Ramsey
Women's Center of Mid-Minnesota, Crow Wing
Women's Resource Center, Winona
Women's Rural Advocacy Programs, Marshall, Redwood Falls, Granite Falls
Women's Shelter, Inc., Olmstead