



# PROMOTING FINANCIAL INDEPENDENCE FOR VICTIMS OF DOMESTIC ABUSE

**Senate Bill 68, Effective July 1, 2009**

**WHAT DOES THE NEW LAW DO?** It allows victims of domestic abuse, sexual assault and stalking to participate in the court process related to the abuse without losing their jobs. Specifically, "An employer shall grant an employee domestic abuse leave without interfering with, restraining or denying exercise of rights under the ... Act or attempting to do so. Retaliation against an employee for using domestic abuse leave is prohibited." The law protects victims of domestic abuse, which includes domestic violence, sexual assault and stalking, the same individuals who are covered by the Family Violence Protection Act, NMSA 1978 § 40-13-2.

**DOES NEW MEXICO ALREADY HAVE JUDICIAL LEAVE LAWS?** Yes. State statute already requires that employers allow employees to serve as jurors. NMSA 1978 § 38-5-18. This new law gives victims similar rights to participate in the judicial process. Both jurors and survivors participate in the court process for the benefit of society as a whole, and both have a right to keep their jobs, despite time away from work.

**ARE THERE SIMILAR CRIME VICTIM LAWS IN OTHER STATES?** Yes. Many other states have employment law statutes for crime victims who participate in the court process, and some states specifically protect domestic violence victims from losing their jobs. These laws were enacted so that victims do not have to choose between their jobs and their ability to hold the abuser accountable.

**WHAT ACTIVITIES DOES THE NEW LAW PROTECT?** Abuse survivors may use their time to obtain an order of protection or other judicial relief, meet with law enforcement officials, consult with attorneys and district attorneys' victim advocates, and attend court proceedings related to the domestic abuse, sexual assault or stalking. Victims may take "paid or unpaid leave time up to fourteen days in any calendar year...for up to eight hours in one day."

**WHAT CAN ATTORNEYS, ADVOCATES OR LAW ENFORCEMENT DO TO PROMOTE FINANCIAL INDEPENDENCE?** Attorneys, advocates and law enforcement officials can assist victims when employers require verification of the need for domestic abuse, sexual assault or stalking leave. Verification can be police reports; court documents; or written statements from attorneys, prosecutors, victim advocates, or law enforcement officials.

**WHAT CAN EMPLOYERS DO TO PROTECT THEIR EMPLOYEES?** Employers can educate their employees about the new law and develop policies and procedures to enable their employees to participate in the judicial process related to domestic abuse, sexual assault or stalking. Members of the business community supported this new law, and employers now need time to create policies and procedures for fair and effective implementation.

**WHAT IS THE STATUS OF THE NEW LAW?** The law becomes effective on July 1, 2009, though it will take time to implement it. The Department of Workforce Solutions is expected to promulgate regulations, but until then, specific issues regarding implementation may be unclear to both employees and employers. The Southwest Women's Law Center is working with public officials, the NM Domestic Violence Leadership Commission, the NM Coalition Against Domestic Violence, the NM Coalition of Sexual Assault Programs, employers, and service providers to implement SB 68.

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