

The Victim's Informer

TEXAS CRIME VICTIM CLEARINGHOUSE

VOL. 13, N.2 – JUN/JUL 08



TDCJ-Victim Services Division Director, Raven Kazen Retires

FOLLOWING A PUBLIC SERVICE CAREER spanning over three decades, Raven Kazen has retired from TDCJ-Victim Services Division.

After graduating Magna Cum Laude from Lamar University in 1976, Raven began working as a probation officer. During the next several years she worked as a parole officer and then a hearing officer.

It was in 1990 that she landed a job in Austin handling restitution. During this time her passion for working with victims grew. She began to help develop and coordinate TDCJ victim services policies and procedures, including processing Victim Impact Statements and the notification to victims concerning inmate status.

In late 1993, she was named the State Director of Victim Services for TDCJ. In November 1997 Victim Services became a division and Raven was named Director.

Under her leadership the Division has grown along with the number of services it provides to victims of crime in Texas. Over 130,000 victims and concerned citizens are currently registered on the Victim Notification System. The Texas Crime Victim Clearinghouse was moved from the Governor's Office to TDCJ-Victim Services. Other victim-driven programs developed by the Victim Services Division are Victim Offender Mediation/Dialogue, the Victim Impact Panel Program, as well as Victim Support and Community Education.

Raven is an authority on victim rights and issues, having worked as a genuine and caring advocate for many years. As a gifted speaker, Raven has continually been in demand, crisscrossing the state many times over carrying her vibrant and compassionate message to those who have suffered greatly because of violent crime and to those who provide the services for them.

As a victim advocate she has received many awards and recognitions including the Outstanding Women in Community Service Award, People Against Violent Crime "Key to Our Hearts Award," Texans for Equal Justice "Equalizer" Award, and the Ellen Halbert Award as well

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TDCJ victim services



Vacant	Director
Mark Odom	Deputy Director
Mary Kuenstler	Assistant Deputy Director, Victim Notification
Gene Stewart	Assistant Deputy Director, Programs
Vacant	Program Coordinator, Texas Crime Victim Clearinghouse
Sheri Sikes	Program Coordinator, Victim Impact Panel Program
Jim Brazzil	Program Coordinator, Victim Support & Community Education
Susan Leinweber	Program Coordinator, Victim Offender Mediation/Dialogue

THE VICTIM'S INFORMER is published quarterly and distributed to over 4,000 individuals, state, and national organizations. Articles, meeting notices, and other submissions should be sent to TDCJ-Victim Services Division, Texas Crime Victim Clearinghouse, Attn: Editor, P. O. Box 13401, Capitol Station, Austin, Texas 78711-3401; faxed to 512/452-1025; emailed to tdcj.clearinghouse@tdcj.state.tx.us; or call us at 800/848-4284 or 512/406-5931.

Please Note . . .

Texas law requires that TDCJ-Victim Services Division request readers to notify us annually, in writing, that they wish to continue receiving *The Victim's Informer*. See Page 3 for a convenient subscription form.



Posttraumatic Stress Disorder in Persons with Disabilities

By Anna Escamilla, LCSW, Ph.D. ,
 Director of Student Disability Services,
 St. Edward's University

The experience Posttraumatic Stress Disorder (PTSD) by persons with disabilities can differ in symptom presentation and severity than persons who are not disabled. Posttraumatic stress disorder is the result of a traumatic experience that overwhelms a person's ability to deal with their normal life functioning. There is a group of persons with disabilities such as paraplegia, multiple sclerosis, traumatic brain injury, schizophrenia, etc. who may also deal with a comorbid diagnosis of PTSD. Depending on the type of disability, the intense fear, feelings of helplessness, or intrusive flashbacks present in persons with PTSD can present unusual challenges to a person above and beyond what people without disabilities and PTSD face.

The major symptoms of PTSD are persistent re-experiencing of the traumatic event, persistent avoidance of stimuli associated with the trauma, numbing of general responsiveness, and persistent symptoms of increased arousal lasting for at least one month (*Diagnostic and Statistical Manual IV*). Major complications can occur if a person has physically limiting disabilities that react adversely to stressful stimuli. For example, a person with neuropathy from diabetes and PTSD could have an increased generalized numbness that affects limbs, thus complicating physical symptomology. A person with bipolar

disorder may experience a manic state if triggered by the increased arousal present in PTSD. Further, a person who uses a wheelchair due to part or total paralysis and has experienced violent trauma may experience symptoms of feeling overwhelmed that are not visibly obvious to the untrained professional, but can be seen in pupil size and their intense visual focus when presented with a traumatic memory. A person who is blind may feel increased panic from an inability to visually anticipate a potential attack.

One of the most common forms of treatment for PTSD involves the talking through of the traumatic experience in order to desensitize the trauma response. A person with a pre-existing disability may need alternative methods for expression available to them. These could include the use of stress balls to squeeze while attempting to verbalize, the use of drawing, and other non-verbal approaches. Other treatment approaches such as EMDR (Eye Movement Desensitization and Reprocessing), hypnotherapy, and cognitive-behavioral therapy need to be adapted to the person's physical, psychological, and/or emotional needs. In addition, medical professionals may need to be made aware of the traumatic event in order to deal with possible development of physical symptoms that are best treated with medications. The main

rule of thumb for treatment is a focus on strengths to help the person regain a sense of control in their lives. A person who is blind or visually impaired may need to refocus on their abilities to use their hearing and other senses while ensuring that they do not accept a position as a vulnerable victim. A return to pre-trauma living is encouraged with the addition of self-determined activities in all aspects of life. Traumatic events usually do not discriminate as to ability or limitations, but when they occur to persons with disabilities, the person needs support to regain their continued involvement into their community.

RESOURCES

- Pollack, M., Simon, N., Fagiolini, A., Pitman, R. et al. 2006. Persistent Posttraumatic Stress Disorder Following September 11 in Patients with Bipolar Disorder. *Journal of Clinical Psychiatry*, 67 (3), 394-399.
- Brett, E. 2007. The Classification of Posttraumatic Stress Disorder. Chapter 6. In *Traumatic Stress, The Effects of Overwhelming Experience on Mind, Body, and Society*. Ed. Van der Kolk, Bessel A., McFarlane, A., & Weisaeth, L.

**Attention:
Victim Assistance Coordinators
Victim Impact Statement**

The state-mandated semi-annual Victim Impact Statement Activity reports are due July 15, 2008. This report will cover the periods of January 1, 2008 – June 30, 2008.

A copy of the completion instructions and Victim Impact Statement will be mailed to all District and county Attorneys. You may also download the report form at www.tdcj.state.us, click on Victim Services in the quick links box, and then click on the Texas Crime Victim Clearinghouse. Scroll down the page then click on Victim Impact Statement Activity Report. You will find the Activity Report and instructions toward the bottom of the page.

Staff members of the TxCVC will be available to provide training on this very important issue. The training includes the what, who, why, how, and other notable and mandated specifics about the VIS. The training schedule will be coordinated based on both a first come, first served basis, and also focused on the areas of Texas that either did not submit the required 6 month report, or submitted reports indicating little or no VIS activity. If you would like to schedule training, give us a call at one of the numbers listed below.



**PLEASE CONTACT THE TXCVC STAFF FOR ASSISTANCE AT 800-848-4284 OR
512-406-5931 OR AT [TDCJ.CLEARINGHOUSE@TDCJ.STATE.TX.US](mailto:tdcj.clearinghouse@tdcj.state.tx.us)**

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E-mail: tdcj.clearinghouse@tdcj.state.tx.us

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Raven retires

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as special recognition by Governors Ann Richards, George W. Bush and Rick Perry's administrations.

In a statement to all the victims she has served, Raven said, "Thirty-one years ago I was a victim ... It is through working with you, witnessing your courage, hearing your voice, reading your letters, and sharing in your life that has helped me heal and move on in this journey we call life."

"I am leaving my position as Director of the Texas Department of Criminal Justice-Victim Services Division with prayers for you and ask that you keep me in your thoughts and prayers."



Professionals who serve people experiencing domestic violence have raised a number of questions about serving people with disabilities who may have a guardian. Some of those questions include:

What is guardianship?

Can a person with a guardian make any of their own decisions? Are there liability concerns connected with serving people with disabilities? What agencies provide support or investigative services to a person who may be experiencing abuse, neglect, or exploitation? The information provided here is not intended as legal advice, and if an agency or organization has specific concerns, please consult legal counsel.

The vast majority of people with disabilities, including cognitive disabilities, do not need guardians. An individual may require assistance from others or accommodations based on their disability but still be able to make informed decisions based on their own preferences. Most importantly, the presence of a physical or mental disability or the age of an individual does not indicate the need for guardianship. Everyone deserves to exercise control over their own life to the extent possible.

Guardianship: What is it and When Does it Matter?

By Amy M. Young, Public Policy Specialist
Texas Council for Developmental Disabilities

Guardianship Defined

Guardianship is a legal designation that places the rights, safety, well-being, and legal choices of a person into the hands of another for the purpose of protection from abuse, neglect, or exploitation. Guardianship is conferred on a relative, friend, guardianship program, or private professional guardian by a judge's decision that a person is deemed incapacitated.

The Texas Probate Code defines an "incapacitated person" as: (A) a minor; (B) an adult who, because of a physical or mental condition, is substantially unable to provide for their own food, clothing or shelter; to care for their own physical health; or to manage their financial affairs; or (C) a person who must have a guardian appointed to receive funds due the person from any government resource.

Guardianship comes in different forms, including full or limited guardianship of the person, guardianship of the estate, and temporary guardianship. This article addresses guardianship of the person.

Limited Guardianship

Texas looks at guardianship through the lens of the least restrictive alternative and is one of about 13 states that offer limited guardianship. The Texas Probate Code requires limited guardianship to "encourage the development or maintenance of maximum self-reliance

and independence in the incapacitated person."

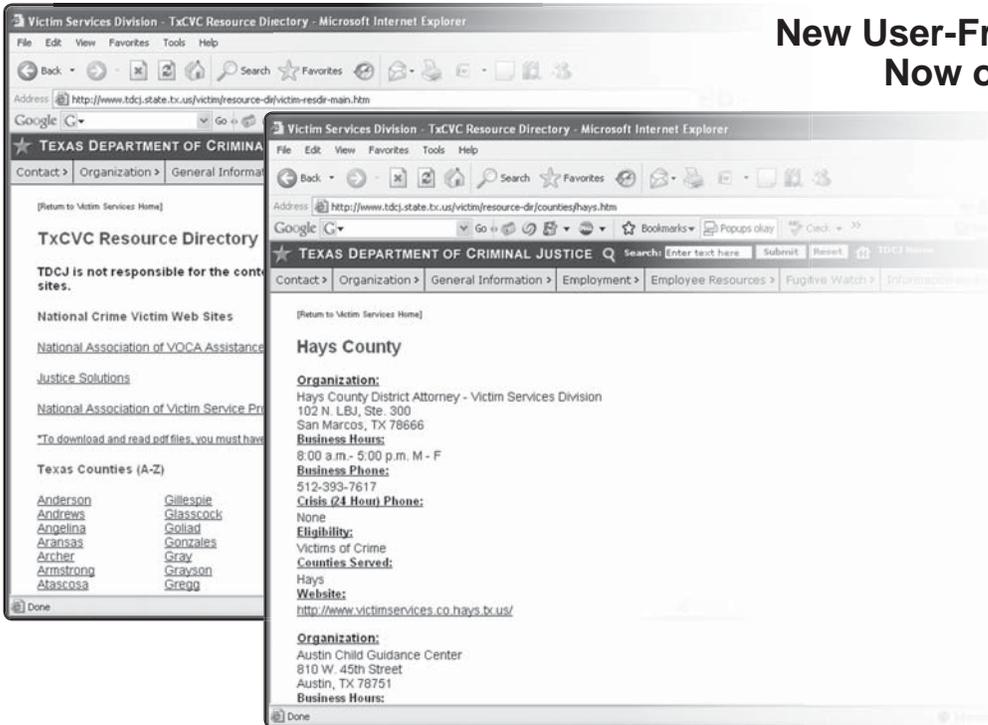
Full Guardianship

In guardianship of the person with full authority, nearly all of an individual's rights are removed and entrusted to someone else. A full guardian has the authority to make decisions concerning nearly all aspects of a person's life, including where an individual lives, whether or which educational or recreational activities a person can access, what support services are appropriate, the ability to consent to medical services, and other related decisions. An agreement giving consent for medical services, including a rape exam, or a liability waiver signed by a person who has a guardian with full authority is most likely voidable. A guardian cannot require in-patient psychiatric treatment but does have the authority to transport the individual for an evaluation. It is important to note that guardianship of the estate would be required to address management of a person's financial assets.

Serving Survivors of Domestic Violence Who Have Disabilities

A domestic violence shelter or agency should not be deterred from working with an individual based on the possibility that the person has a guardian. If you have questions about a specific

continued on next page



New User-Friendly Resource Directory Now on Victim Services Website

The Texas Crime Victim Clearinghouse NEW and IMPROVED Resource Directory is now available on the TDCJ-Victim Services Division website. Check it out! Go to www.tdcj.state.tx.us; click on Victim Services; scroll down and click on Victim Resource Directory. The directory is listed by county. Just click on the county you want. Above the Texas county links are some important national resources links. If you would like to add your organization, contact the TxCVC at 800-848-4284 or email at tdcj.clearinghouse@tdcj.state.tx.us

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case or situation, please consult with an attorney or local court personnel, depending upon the need or question.

Guardianship professionals and attorneys agree that there is not a duty for agency staff to investigate whether or not a person has a guardian. However, any agreement signed by an individual with a guardian may be voidable. The same may be true for an individual under limited guardianship, depending upon how that guardianship is structured.

Practically speaking, the only person who would have standing to sue over a confidentiality agreement or liability waiver would be the guardian, and a guardian is not likely to sue a domestic violence agency for protecting the health and safety of an individual. In such a case, a guardian's and an agency's missions coincide.

Grounds for immediate removal of a guardian include neglect, cruelty, or misappropriation of property that has

been entrusted to the care of the guardian. If the guardian is the alleged abuser, the individual or a domestic violence agency or shelter, as an interested party, would have standing to petition the court for immediate removal. A general counsel or court personnel can help guide you through initiating the removal process.

Researching Guardianship Status

If you have concerns or questions about whether someone accessing services may have a guardian, the first place to go for information is that person. During the intakes process for receiving services from a domestic violence agency or shelter, staff should respectfully ask the individual if he/she has a guardian and how to contact the guardian if he/she does.

If you are unable to determine guardianship status by talking with the individual, talk to the court with jurisdiction over guardianship cases in your

area. Guardianship proceedings are public record; develop a relations with the appropriate court and court staff in your district. If a question does come up, a court clerk will be able to help you determine whether a person has a guardian, how to notify a guardian if necessary, and answer procedural questions about guardianship cases.

One of three courts may have jurisdiction over guardianship cases in your district: a statutory probate court, a county court at law, or a constitutional county court. Where there is a probate court, it will have original jurisdiction in a guardianship case. There are 18 statutory probate courts in 10 of the 15 largest metropolitan areas in Texas.

If you deal with courts frequently, one tool you may already have is the judicial database through the Office of Court Administration. This database allows you to search for different court types in your area, or for all courts of a particular type. (See <http://dm.courts.state.tx.us/OCA/DirectorySearch.aspx>)



Law Expands Texas Prison Inmates' Access to Phones Technological Safety Measures Ease Victim Advocates' Concerns

by Diane Jennings

Dallas Morning News

Reprinted with permission; article appeared on March 9, 2008

When Joan DeLuca needs to talk to her brother-in-law, a Texas prison inmate, she has to drive three hours each way and spend \$40 for gas to visit for two hours each month. Every three months he can talk on the phone for five minutes.

For inmate families like hers, old-fashioned letters have been a lifeline. That will change as Texas joins other states in allowing inmates greater access to telephones.

Ms. DeLuca, secretary of the board of directors of the Texas Inmate Families Association, said she is thrilled to “welcome Texas into the 21st century.”

Under a new law, the Texas Department of Criminal Justice is taking bids for about 4,000 phones to be installed in prisons.

The policy shift was not opposed by victims' rights groups or law enforcement as in the past.

“The Legislature began to talk about being smart on crime this time rather than being tough on crime,” said Emmett Solomon, executive director of Restorative Justice Ministries Network in Huntsville.

The policy is a good idea because “the most critical factor about whether a man or woman succeeds after prison

is their connection with their family,” he said. “Traditionally the prison tried to cut off pretty much all contact.”

State Rep. Jerry Madden, R-Richardson, who co-sponsored the bill, said, “I don't think it's smart instead of tough - it's smart and tough.”

Concerns have been addressed by the new law, Mr. Madden said.

For instance, victims' rights advocates worried that inmates might stalk or harass victims by phone. But new technology will limit calls, which will be pre-paid or collect, to the landline numbers of those on an approved list.

A “biometric identifier,” such as a fingerprint reader or voice recognition, also will be required of the inmate making the call. Calls will be recorded and can be monitored. Calls cannot be forwarded or used for three-way calling.

The prison system is to award the phone contract by Sept. 1. After the vendor is paid, the state will give the first \$10 million generated each year to the state's victim compensation fund.

Kristianne Hinkamp, executive director of Victims Outreach in Dallas, said the policy change was not opposed in her circle because of the technological safety measures. And “having \$10 million going into the crime victims'

compensation fund can also really enhance what we offer,” she said.

Ms. Hinkamp said victims also are interested in rehabilitating offenders.

In other states the cost of such phone calls has sometimes been exorbitant, placing a financial burden on the inmate's family. The new bill limits the frequency of the calls to 120 minutes a month and the cost of the calls to that currently used in county jails.

Phone privileges are also expected to be a “good management tool” behind bars, said spokeswoman Michelle Lyons of TDCJ. “It offers an incentive to offenders to behave.”

The new policy also may help reduce the problem of cellphones smuggled into prison, Ms. Lyons said.

In the past, some officials worried that offenders might orchestrate criminal activity from behind prison walls with phones. But this time around, Mr. Madden said, experts told him similar access in county and city jails proved to be a “pretty good law enforcement tool to help them catch and solve other crimes” through information gleaned from monitored calls.

The date the service will start has not yet been determined.

**SEE NEXT PAGE FOR MORE ABOUT
INMATE PHONE PRIVILEGES**

EXPANDED PHONE PRIVILEGES



What's happening?

About 120,000 of the state's 155,000 inmates should be eligible for phone privileges. Most inmates at high-custody levels, such as death row, will not be eligible. Offenders must have a clean disciplinary record for 90 days in state prisons, 30 days in state jails. They typically must be involved in full-time work, school or a treatment program.

How often can they call?

As often as they want, but they may talk no more than 120 minutes a month, 15 minutes at a time.

Whom can they call?

Up to 10 people on an approved visitors list.

What security measures will be implemented?

All calls, except to attorneys, will be recorded; all calls may be monitored. Each caller will be identified with a "biometric" measure, such as a fingerprint.

PUBLICATIONS AVAILABLE

ONLINE

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OFFICE OF THE ATTORNEY GENERAL
**Address Confidentiality Program
(ACP)**



DATES OF INTEREST

August 7 – 10, 2008 • Parents of Murdered Children National Conference • Irvine, CA
www.pomcnatlconf.org

August 18 – 19, 2008 • Arte Sana National Conference
Omni San Antonio Hotel at the Colonnade • San Antonio, TX
www.arte-sana.com/arte_sana.htm

September 9 – 12, 2008 • Texas Victim Services Association Conference • Sheraton Austin Hotel • Austin, TX
www.txvsa.org/index.php

September 28 – October 2, 2008 • National Organization for Victim Assistance (NOVA) Conference • Louisville, KY
www.trynova.org

October 2, 2008 • 5th Annual Opening Doors Conference
Omni Marina Hotel • Corpus Christi, TX
Family Counseling Service, Crime Victim Services (361)
852-7540
www.ccfamilyservices.org

With increased public access to personal information, there is a rising need for address confidentiality for victims of family violence, sexual assault, and stalking. Fearing for their safety, many victims do not obtain a driver's license or register to vote.

Texas has a new program to help these victims of family violence, sexual assault, and stalking keep their actual address confidential. The Texas Address Confidentiality Program (ACP), administered by the Office of the Attorney General (OAG), provides a substitute post office box address and free mail forwarding service for participants

For more information concerning the Address Confidentiality Program and the laws governing ACP, go to: www.oag.state.tx.us/victims/acp.shtml