

Preface

The Fourth Edition of *New York Law of Domestic Violence* reflects significant developments in domestic violence law and policy since the Third Edition. The two-volume treatise collects and analyzes New York case law, legislation, and scholarship of domestic violence laws in areas as varied as criminal, family, tort, immigration and evidence. We have endeavored to be as comprehensive as possible, with the admittedly ambitious goal of providing a single desk-top reference for attorneys, scholars, judges, legislators, social workers, and advocates whose work brings them in contact with survivors of domestic violence.

In recognition of the evolving forms and dynamics of abuse, the updated Fourth Edition is a more modern treatment of the complex and nuanced understandings of domestic violence than the previous edition. The revised treatise condenses some sections while expanding others. It broadens its discussion of the intersection of domestic violence and child well-being by broadening its discussion of child welfare and child support. It discusses the expansion of the tools of abuse, addressing the increased misuse of technology, including non-consensual dissemination of images, social media appropriation, and cyberstalking. The Fourth Edition is reorganized with the goal of providing easier access to material covered in the text. The material covered in the text is divided into chapters by theme and practice area at the same time it provides overlapping coverage. At the same time, endeavoring to provide a complete review of the law in any area is always a challenge. We by no means expect that this treatise does, or can, cover every corner and aspect of domestic violence law in New York or otherwise. This Fourth Edition, like the editions before it, will remain a work in progress.

The current edition and its authors, Melissa Breger, Jill Zuccardy, Deseriee Kennedy, are building on the work of former Brooklyn Family Court Judge Lee Hand Elkins and his wife, Jane Fosbinder, family law practitioner. Elkins and Fosbinder wrote the First Edition of this treatise in 1997 at a time of unprecedented changes in the law and practice in

the domestic violence field. We are tremendously grateful for their vision and for setting the foundation for the subsequent editions.

As the law grew, so did the treatise, becoming two volumes by 2007. Professor Melissa L. Breger joined them in 2006 and became the lead author for the Second Edition in 2007 and subsequent yearly Cumulative Supplements. Professor Breger is the President William McKinley Distinguished Professor of Law and Public Policy at Albany Law School, where she has taught since 2002, having previously taught at the University of Michigan Law School and practiced family law in New York City.

The Third Edition then welcomed two new co-authors with extensive experience in the field: Jill M. Zuccardy, an attorney who combined her decades of experience with child welfare law and domestic violence law to litigate the landmark Nicholson class action while at Sanctuary for Families Center for Battered Women's Legal Services, before setting up a private family law practice where she has continued her focus on protecting the rights of domestic violence victims; and, Professor Deseriee A. Kennedy, who teaches family violence and family law at Touro University Jacob D. Fuchsberg Law Center, having previously taught at the University of Tennessee College of Law for 12 years, and who has published extensively on issues of gender, poverty, and race. These additional voices contributed a richness to the text on many levels. This Fourth Edition honors the legacy of the original work and reflects our ongoing commitment to offering knowledge and tools for seeking justice and addressing this critical topic with sensitivity.

This treatise focuses on intimate partner violence against adults, especially those who are or have been in intimate relationships, rather than against children. We are particularly mindful, however, of the breadth and scope of family violence, including how specific populations may be differently affected by abuse, the fact that adult violence and violence against children frequently overlap, the seriousness of elder abuse and teen dating violence, and violence within the LGBTQ+ community, as well as communities of color. Domestic violence is a complicated, nuanced epidemic that touches all ages, races, classes, cultures, religions, sexual orientations, identities, and abilities. We have, therefore made a conscious choice to limit the scope of this book as a

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reflection of our awareness of the complexity of each of these topics and the unique challenges raised by the laws addressing them.

Finally, we remain grateful to those who work in the field of domestic violence law and policy and inspire us as we continue the mission.

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