



UNITED
AGAINST
VIOLENCE

Newsletter

SUMMER
2004

Kansas Coalition Against Sexual and Domestic Violence

SAFETY • ACCOUNTABILITY • JUSTICE

2004 LEGISLATIVE SUMMARY

This legislative session has been marked with several large and controversial issues, namely school finance, concealed carry of guns, and the Kansas Constitutional Amendment, to name just a few. Even with these weighty topics the Kansas legislature was still able to address a few concerns that have direct impact on victims of sexual assault/rape, domestic violence, and stalking, as well as the advocacy programs that serve victims. The following is a summary of some actions taken by the legislature. Those seeking further information should locate it on the Kansas Legislative web page, but be sure and look in "enrolled bills" or you may not get the most recent version of the statute. Unless otherwise noted, enrolled bills will take effect on July 1, 2004.

Justice/Corrections

HB 2271 clarifies property theft limits and enhances sentences for persistent sex-offenders and those with a second and subsequent conviction of rape.

HB 2777 amends the uniform controlled substance act and specifies that "...knowingly and intentionally permitting" a child to be present when the sale or manufacture of methamphetamines is occurring is child endangerment, and further enhances the penalty under these circumstances from a misdemeanor to a felony. Although proponents of this bill agreed to language that would help to protect battered women and their children, it was absent in the final version.

HB 2542 clarifies that persons convicted of all felony and some misdemeanor crimes are required to provide DNA samples to the Kansas Bureau of Investigation. This provision corrects an omission from previous statutes.

HB 2693 establishes both misdemeanor and felony penalties for persons who mistreat a dependent adult with regard to financial exploitation or withholding treatment, goods, or services to such a person. A dependent adult is defined as one who is 18 years of age or older who is unable to protect her/his interests.

SB 67 and HB 2742 amend the law pertaining to confidentiality of records in child in need of care cases when there is a near fatality or a fatality. HB 2742 establishes general requirements for confidentiality and broadens the scope of those eligible to review confidential Child in Need of Care records.

WHAT MATTERS TO WOMEN?

Equal pay, violence against women and healthcare were top issues in a survey of more than 500 women nationwide, placing higher in importance than did homeland security or the war in Iraq.

The survey, conducted by Lifetime Television, polled women on what issues influence their vote. Eighty-five percent of women surveyed said their vote is impacted by a candidate's position on violence against women. Over seventy-five percent reported equal pay, women's health issues and access to affordable healthcare were important in their decision.

HB 2568 and HB 2569 creates a fund for child advocacy centers comprised of a \$100 assessment fee for those convicted of crimes in Chapter 34, 35, and 36, Article 21 when the victim is a minor. HB 2569 requires operating standards for a child advocacy center to be eligible to receive state funds.

Sub. For SB 45 creates the Kansas Criminal Justice Recodification, Rehabilitation, and Restoration Project. This bill provides for the establishment of a Committee to review all criminal statutes and penalties.

State Affairs

HB 557 permits the Attorney General to transfer up to \$100,000 from the Crime Victims Compensation Fund to the Crime Victims Assistance Fund.

(Cont. next page)

HB 2758 amends the Kansas Open Records Act to close information that would reveal the location of a shelter or safe house or similar place where persons are provided protection from abuse.

Sub. For HB 2435 creates the Hispanic and Latino American Affairs Commission in the Governor's office and repeals prior law that designated the Hispanic Affairs Advisory Committee in the Department of Human Resources.

Social Services

HB 2571 allows state staff and state auditors to access birth record information to assist with reporting and audit requirements of child support enforcement and permits SRS child enforcement staff to request a birth record from KDHE when necessary for legal action to establish parentage.

Law Enforcement

House Substitute for SB 136 adds the definition of "campus police" to the existing "university police"; clarifies their jurisdiction to 1) property owned by the university or campus, 2) on the streets immediately adjacent to the campus, 3) within the city or county in which the campus is located (with appropriate agreement with other law enforcement agencies), and 4) when in pursuit of an alleged offender; names university and campus police in other statutes relating to crimes against law enforcement officers; and requires both campus and university police to meet the training requirements of the Kansas Law Enforcement Training Academy.

SB 9 adds law enforcement officers employed by Native American Indian Tribes to the definition of law enforcement officers. This means that such officers may respond to a request for assistance from state, county, or city law enforcement agencies and would be considered to be operating as an officer from the requesting agency while doing so.

Dead Bills

HB 2785 would have enhanced penalties for domestic battery when children were present. This bill was well intended, but had substantial unintended consequences. KCSDV opposed. Thank you to Representative Yonally (author) and the House Corrections and Juvenile Justice Committee for your consideration of our concerns.

HB 2611 would have required convicted sex-offenders to display an identifying sticker on their vehicle. KCSDV opposed due to unintended consequences that would likely result in sex crimes going unreported, particularly when the victim knows the perpetrator.

HB 2697 would have created the Uniform Interstate Enforcement of Domestic Violence Protection Orders. Passed by the House 125 – 0, but no hearing in the Senate. KCSDV supported this bill and will ask for reintroduction in the next session. Thank you to Representative Davis (author) and the House Judiciary Committee.

HB 2552 would have created the Unborn Victims of Violence Act, failed in the House. KCSDV opposed because of unintended consequences and this bill proposed remedies that were much too late for victims of domestic violence who are pregnant.

HB 2855 and SB 406 would have amended the definition of "family member" as it relates to domestic battery. No hearing held.

HB 2798 would have created the Personal and Family Protection Act (concealed carry), which passed both the House and the Senate and was vetoed by Governor Sebelius. KCSDV opposed because we do not find evidence that concealed carry of guns helps the safety of victims of sexual assault or domestic violence.

SB 488 would have created the Crime Victim Protection Act. No hearings held. We will request reintroduction in the next session. Thank you to Senator Adkins (author).

SB 436 would have expanded the time frame to file a suit seeking damages from three to five years after the child reaches the age of 18 or from the time the person discovers an injury or illness as a result of childhood sexual abuse. Passed the Senate and died in the House Judiciary Committee.

IT'S TIME TO BE HEARD!

Make Violence Against Women a
important issue in this year's elections
Tell candidates that it is critical they
support issues that create
Safe Homes and Safe Streets in Kansas.

SAFE HOMES, SAFE STREETS
ENDING SEXUAL AND DOMESTIC VIOLENCE
2005

For more information about
SAFE HOMES, SAFE STREETS
AWARENESS EVENTS
FEBRUARY, 2005
call Sandy at the KCSDV office.

From the Executive Director:

KCSDV Goes to Washington

By Sandy Barnett

Advocates from all across the nation met in Washington DC during the first week of June to urge Congress to fully address all provisions of the Violence Against Women Act (VAWA) and to prepare for the 2005 reauthorization of VAWA.

During the two-day event hosted by the National Network to End Domestic Violence and the National Coalition Against Domestic Violence, the group was addressed by Senators Joe Biden, Delaware; Patty Murray, Washington; Arlen Specter, Pennsylvania; and Congressman, Dennis Moore, Kansas. Congressman Moore made sure the audience was aware that Senator Specter is, in fact, a born and raised Kansan.

Fourteen members of Congress were scheduled to address the advocates at a reception later in the day, but most were diverted when the Capital buildings were evacuated because of an unidentified small plane that entered the "no-fly" zone over Washington.

Interestingly, for those of us who were safely at home in the heart of the country during the events of 9/11, the evacuation, which was made clear by law enforcement was NOT a drill, did not elicit the same traumatic response as it did for those who experienced 9/11 in Washington DC. I was particularly struck by

the similarities of conversations of those who were processing the fear evoked by the evacuation to those of women who used to sit around the dining room table of the battered women's shelter talking of fear elicited by their batterers. It appears fear of violence and death, regardless of the source, evoke similar responses. Imagine, if you can, living with that fear day in and day out.

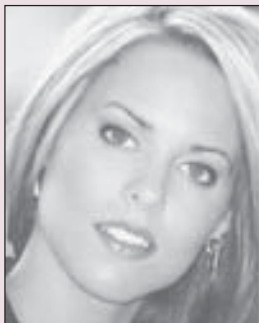
Apart from the evacuation excitement, KCSDV met with staff in the offices of Senators Brownback and Roberts, and Congressmen Moore, Moran, and Ryun. We have asked each of them to support the President's '05 budget for the Victim's of Crime Act without any additional earmarks. The President's budget request will return the crime victims' VOCA grant state allocation to the 2002 level, prior to the losses sustained to this grant program when Congress made formula changes.

Additionally, we asked for support on an increased appropriation to the Family Violence Prevention and Services Act (FVPSA), which provides a little over \$1 million for shelter programs in Kansas. We are asking for an appropriation of \$150 million, which is still \$25 million below the authorized level, but would constitute a \$24 million increase over the previous year. The President's budget request would cut FVPSA by \$.4 million. Last year, Congress enacted a new provision that requires any amount over a \$130 million appropriation to earmark a portion for children's services in shelters. Children's services in Kansas shelters are one of the most poorly resourced projects in the state. And, in a state that is near the bottom of the heap in dollars expended per victim of domestic or sexual violence that is a dismal picture indeed. An appropriation of \$150 million would require a portion of \$20 million to be earmarked for children's programs.

For more information about these programs or how to become involved in the reauthorization of VAWA, please contact Sandy at the KCSDV office.

Please take the time to let Congress know that you care about victims of rape, sexual assault, domestic violence, and stalking and you want to see **VOCA, FVPSA, and VAWA fully funded!**

Harbor House Volunteer Crowned Miss Kansas



Megan Bushell, a 22 year old volunteer with Harbor House in Wichita, was crowned Miss Kansas in June. As a volunteer advocate, Megan helped with fundraising efforts and organized a benefit concert for both Harbor House and for Safe Homes in Wellington. She frequently speaks out about domestic violence. As a continuation of her advocacy, she has chosen "Breaking the Silence" around domestic violence as her official platform. She will be assisting KCSDV with the "Safe Homes, Safe Streets" awareness events and other projects.

Megan is a 2004 graduate of Wichita State University with two degrees in Entrepreneurship and Music Business. She will be representing Kansas in the Miss America competition September 18 in Atlantic City.

Sexual Assault Task Group Update

On June 3rd members of the statewide Sexual Assault Task Group met with Karen Baker of the National Sexual Violence Resource Center (NSVRC) and Delilah Rumburg of the Pennsylvania Coalition Against Rape (PCAR). Karen and Delilah spoke about emerging and current issues critical to the anti-rape movement.

Sexual violence encompasses a tremendously wide range of behaviors, experiences and dynamics. The movement to end sexual violence must be equally broad. Some of the challenges we face are familiar, such as funding for social justice work and making services accessible in rural areas.

A need continues for culturally appropriate services to traditionally marginalized communities. Baker suggested reframing this by distinguishing between "mis-served" groups and groups that still receive no services. We provide services to survivors impacted by racism, imprisonment, homophobia and ableism. But are we providing the services they need in the way they need them? And there are still groups we do not provide service to at all. Certainly they are not "underserved"; they are ignored.

Another on-going issue is facing a new challenge. Many communities have embraced the SANE/SART model for community response. Now, with social services funds being cut, funding to maintain existing SANE/SART programs is crucial.

There are also new issues at global, national and local levels impacting our sexual assault advocacy in Kansas. It is a time of renewed vision and energy in the sexual assault movement. Emerging issues include focusing on prevention,

discussing men's role in the movement, looking at global issues, and working with faith-based initiatives. Recent media attention has highlighted issues like Rape Shield laws and the meaning of consent. Previously, Colorado's rape shield protections were viewed as some of the strongest in the country. Media coverage of recent trials reveals how little privacy most sexual assault survivors are allowed. Use of DNA evidence is becoming increasingly common, creating an increasingly common defense – consent. If there is no question of the identity of the perpetrator, the only question remains the victim's consent. As new technology and current media coverage provide opportunities for discourse, we have to be ready to explain why privacy for victims is important and what consent means.

The movement to end sexual violence is creating broad social change at multiple levels. Partnerships continue with domestic violence advocates, child advocacy centers and the criminal justice system. These collaborations require a clear understanding of each partner's roles and boundaries. Social change must also be created at an individual level. Rumburg referred to this as involving the bystander. "How would our work change if every time we spoke about rape we gave people two or three simple things they could do?"

The issues are diverse. Every community needs an individualized plan for responding to sexual violence. The NSVRC, a project of PCAR, is able to help with technical assistance offered to sexual assault advocates across the country. Visit them on the web at www.nsvrc.org or call: 877-739-3895 / 717-909-0715 (TTY.)

State - Of - The - Art Facility for Victims of Sexual Assault



Sexual assault victims in Southwest Kansas can now receive specialized care in a private, comfortable setting thanks to the multidisciplinary efforts of the Finney County community and SART team. St Catherine's Hospital in Garden City offers state-of-the-art care with Sexual Assault Nurse Examiners and a colposcope equipped with a 35mm and digital camera.

The program started May 2002 with 5 Sexual Assault Nurse Examiners performing exams in the emergency department. In September 2003, a dedication was held to open a new facility - a quiet, private, safe room just for victims of sexual assault. The room was made possible through the generosity of St. Catherine's, individuals and businesses of the community.

During the first year of operation, SANE nurses have conducted 70 exams using the colposcope. Seventy percent of victims receiving exams were under the age of 18 years and 54% were under 12.

The program originated with a grant from SRS to fund the first year. This grant enabled the Finney County SART team to provide training for nurses, law enforcement,

social workers, attorneys and judges. Now in the second year of operation, the program is continuing to seek additional funding for equipment, training and operational support.

The nurses are on call to do acute exams at any time. Three of the nurses are now certified and the others plan to complete the exam in the near future. Finney County's SANE/SART program is proud of the success of this project, and pleased to be able to offer sexual assault victims the latest advances specialized care in a compassionate, non-threatening environment.

Sexual Assault as a Tool of War

Rape, when used as a weapon of war, is systematically employed for a variety of purposes, including intimidation, humiliation, political terror, extracting information, rewarding soldiers, and "ethnic cleansing."

Violence against women in armed conflict situations is largely based on traditional views of women as property, and often as sexual objects. Around the world, women have long been attributed the role of transmitters of culture and symbols of nation or community. Violence directed against women is often considered an attack against the values or "honor" of a society and therefore a particularly potent tool of war. Women therefore experience armed conflicts as sexual objects, as presumed emblems of national and ethnic identity, and as female members of ethnic, racial, religious, or national groups.

The consequences for victims of sexual violence in war are grave and may affect women for the rest of their lives. These include serious and chronic medical problems, psychological damage, life-threatening diseases such as HIV/AIDS, forced pregnancy, infertility, stigmatization and/or rejection by family members and communities.

Many acts of sexual violence - including rape, gang rape, abduction and sexual slavery, forced marriage, forced pregnancy, forced maternity, and sexual mutilation - constitute torture under customary international law. These acts are considered war crimes and constitute grave breaches of the Geneva Convention.

Impunity for Perpetrators of Rape and Sexual Violence in War

All too often, those responsible for acts of sexual violence and rape committed in war go unpunished. Factors contributing to impunity with regard to sexual crimes in war are many, and include: an overall climate of indifference towards many forms of violence against women; acceptance of rape as an unavoidable part of war; threats and reprisals against those who reveal abuse; immunity from prosecution or amnesty for perpetrators.

Underreporting is also a significant barrier to justice. Many women feel shame and fear rejection from their husbands, families, and communities if they report having been raped. The threat of divorce or the possibility of being considered "unmarriageable" causes many women's reluctance to report their experiences. The economic and social dependence of women on men in many societies contributes to their fear of reporting rape.

Rape as a Tool for Ethnic Cleansing and Genocide

In situations of ethnic conflict, rape is used as a tool for "ethnic cleansing" or genocide. Women and girls may be targets of sexual violence because they are members of a particular ethnic, national, or religious group. Rape and other forms of sexual violence, including rape camps where women and girls are subject to systematic sexual slavery, are used as weapons for spreading terror. In addition, rape is often a brutal precursor to murder.

Special Vulnerability of Refugee Women

Women and girls constitute more than half of refugees in the world today, and refugee women are particularly vulnerable to crimes of rape and sexual violence. While fleeing war in their homelands, women are victims of rape and sexual violence at the hands of security forces, border guards, locals, smugglers, and other refugees.

Unaccompanied women and girls are often regarded as common sexual property in refugee camps and may face forced prostitution as well as coercion into sex in exchange for food, documents or refugee status.

Women are a minority of principal applicants for asylum in the wealthy countries of the North because women often lack the mobility and access to resources necessary to apply for asylum. Processes for seeking asylum often require long detentions where further rape and sexual violence can occur. As the majority of primary caregivers, for many women the separation from family places asylum out of reach. The asylum process itself, which requires applicants to tell officials what has happened to them - often repeatedly and in excruciating detail - works against women survivors of sexual violence. Many are too ashamed or traumatized to tell their stories or fear that their experience will preclude them from eligibility because of a widespread reluctance to recognize all forms of gender-based violence as grounds for asylum.

Rape is not an accident of war, or an incidental adjunct to armed conflict. Its widespread use in times of conflict reflects the unique terror it holds for women, the unique power it gives the rapist over his victim, and the unique contempt it displays for its victims. The use of rape in conflict reflects the inequalities women face in their everyday lives in peacetime. Until governments take responsibility for their obligations to ensure equality, and end discrimination against women, rape will continue to be a favored weapon of the aggressor.

Adapted with permission from Amnesty International. For more information on rape and sexual violence in armed conflicts and other women's rights issues, visit the Amnesty International Women's Human Rights Program website at www.amnestyusa.org/women or contact them at 322 8th Ave., NY, NY 10001

New Resources Available

"Did You Have To Leave Your Job Because of Domestic Violence?"

Last year, the Kansas legislature passed the Employment Security Insurance Act for Domestic Violence Survivors, allowing some survivors of domestic violence to qualify for unemployment insurance if they had to leave their last job due to domestic violence. The brochure "Did You Have To Leave Your Job Because of Domestic Violence?" (also available in Spanish) was prepared by KCSDV and approved by the Kansas Department of Human Resources (Now, the Kansas Department of Labor).

The brochure is designed to provide information to survivors on this important new Act. The definition of abuse is broad, including sexual assault perpetrated in the context of the relationship.

You can access the brochure through the KCSDV website at: <http://www.kcsdv.org/DidYouLeave.pdf> or <http://www.kcsdv.org/UIbenefitsspanol.pdf>

Here are some important things to remember when distributing or using this brochure:

- The victim may be disqualified for unemployment insurance benefits for other reasons, even though she is a victim of domestic violence. Qualifying for unemployment insurance is based on a variety of factors, not just domestic violence.
- A survivor should not quit her job solely because she thinks she will qualify for unemployment insurance under the Employment Security Insurance Act for Domestic Violence Survivors. There may be other reasons why she does not qualify.
- The website www.kansasjoblink.com may help applicants determine if they are eligible for unemployment insurance or other benefits. The website is translated into 13 languages and has other helpful information.
- Immigrant or foreign-born survivors with valid work authorization may apply for unemployment insurance and are subject to the same qualifications as citizen applicants. The work authorization must be valid at the time of employment and at the time of application for unemployment insurance.

It would be helpful if you could let KCSDV know about the experiences of women who are using this new law. Please contact Joyce at KCSDV if you have further questions or would like to share information on how this law is working for victims. joyceg@kcsdv.org

"Rape Is"

KCSDV recently acquired a copy of the documentary "Rape Is." Produced by Oscar-winning filmmakers Margaret Lazarus and Wenner Wunderlich of Cambridge Documentary Films, it offers a somber, intense look at rape in all its forms: child abuse, date rape, stranger rape, wartime rape, marital rape, prison rape. Ultimately, the message is that rape is both a personal and a political act.

The film explores a "rape culture" in which sex permeates the media. It links prostitution with childhood sexual abuse. It talks about the international sex trade, which the United Nations estimates is a \$7 billion-a-year industry. It takes the viewer to the Norfolk County Jail, where a male inmate talks about being raped by his uncle, and addresses prison rape in general. It discusses the 200,000 Korean "comfort women" offered to Japanese soldiers during World War II and, in a heartbreaking segment, features the remarks of an elderly woman who remains traumatized by her ordeal.

The message from this disturbing but important film is not new, but it bears repeating over and over again, especially to boys and girls, young men and young women: Women have the right to say no. And men have the obligation to take them seriously.

"Rape Is" is now available for checkout from the KCSDV resource library. To check out this video, please fax your request to 785-266-1874, Attn: Claire Cook.

resources

calendar

KCSDV SPONSORED TRAININGS

- **Regional Advocacy Meeting**
Trials and Tribulations – Support for Shelter Managers
- Shelter and Program Managers
July 22-23, 2004 - Lawrence
- **Executive Directors/BOD Meeting**
- Program Executive Directors and Board Reps
July 22-23, 2004 - Lawrence
- **Regional Advocacy Meeting**
Facilitating Battered Women's Support Groups
- Member Program Advocates Only
August, 2004 - 2 locations, TBA
- **Understanding Domestic Violence**
- Social Workers, Practitioners, Law Enforcement
August, 2004 - Topeka

For further information and on-line registration for KCSDV trainings, visit: www.kcsdv.org/train.html

This newsletter and KCSDV brochures are available online at: www.kcsdv.org/public.html

kcsdv staff resources

Sandy Barnett	Executive Director
Marilynn Ault	Domestic Violence Prevention Coord.
Marilee Brown	Disabilities Advo. Coord.
Claire Cook	Data Support Assistant
Jehan Faisal	OARS Training Coordinator
Bree Gibson	Domestic Violence Advo. Coord.
Joyce Grover	Attorney & Legal Advo. Coord.
Angelica Lopez	Underserved Communities Advo. Coord.
Stacey Mann	Advocacy Services Coord.
Sarah Morrison	Training Coord.
Kim Pentico	Economic Justice Coord.
Kelly Rhoades	Child Welfare Policy Coord.
Melissa Rogers	Publications Specialist
Rebekah Santana	Staff Support Assistant
Elaine Sherrick	Development & Finance Coord.
Viola Straley	Accounting Assistant
Sarah Thomas	OARS Advocacy Coord.

Kansas Domestic & Sexual Violence Helpline Numbers

Kansas Statewide Hotline

1-888-END ABUSE

Atchison / Hiawatha	913-367-0363 or 800-367-7075
Coffeyville	800-794-9148
Dodge City	620-225-6510
El Dorado	316-321-7104 or 800-870-6967
Emporia	620-342-1870 or 800-825-1295
Garden City	620-275-5911
Great Bend	620-792-1885
Hays / Goodland	785-625-3055 or 800-794-4624
Hutchinson / McPherson	620-663-2522 or 800-701-3630
Iola	620-365-7566
Kansas City	Friends of Yates, Joyce Williams 913-321-0951 El Centro Inc. ¡Si Se Puede! 913-677-0100 MOCSA 816-531-0233 Metro-wide 816-Hotline
Lawrence	Ga Du Gi 785-841-2345 Women's Transitional Care Services 785-843-3333 or 800-770-3030
Leavenworth	913-682-9131 or 800-644-1441
Liberal	620-624-8818
Manhattan / Junction City	785-539-2785 or 800-727-2785
Mayetta	888-966-2932
Newton	316-283-0350 or 800-487-0510
Overland Park	913-262-2868 Metro-wide 816-Hotline Miami County 888-432-4300
Pittsburg	800-794-9148
Reserve	785-742-0053
Salina	800-874-1499
Topeka	daytime 785-354-7927 or evening & wknds. 785-234-3330 or 888-822-2983
Ulysses	620-356-2608
Wichita	Harbor House 316-263-6000 Step Stone 316-265-1611 Wichita Area Sexual Assault Center 316-263-3002 YWCA Women's Crisis Center 316-267-SAFE
Winfield	620-221-HELP or 800-794-7672

This newsletter is published quarterly, hard copy and online, JAN, APRIL, JULY, and OCT. Deadlines for calendar and article submissions are DEC 1, MAR 1, JUNE 1, and SEPT 1. Submissions will be reviewed for content and space availability.

Please send submissions to KCSDV, 220 SW 33rd, Topeka, KS, 66611, FAX: 785-232-9784, or coalition@kcsdv.org, attn: Publications Specialist.

YES! I would like to be on the KCSDV mailing list.

Name _____
Address _____
City, State, Zip _____
E-Mail _____

YES! I would like to be a member of KCSDV.

I want to become a member of the Kansas Coalition Against Sexual and Domestic Violence (KCSDV) in support of the statewide effort to end violence against the women, men, and children of Kansas. I am enclosing a check made out to KCSDV.


_____ Benefactor: \$100.00 _____ Patron: \$50.00 _____ Individual membership: \$10.00
_____ Supportive organizations (not a domestic violence or sexual assault program): \$50.00
_____ I wish to make an additional contribution of _____ to KCSDV.
_____ I wish to make a pledge of \$_____ to KCSDV. The first installment of my pledge is enclosed. Please bill me (monthly, quarterly, semi-annually, or annually) for the balance.



KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE
220 SW 33rd, Suite 100, Topeka, KS 66611
(785) 232-9784 • FAX (785) 266-1874 • coalition@kcsdv.org • www.kcsdv.org

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