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**NATIONAL CONFERENCE OF
STATE LEGISLATURES**

Task Force on Gender Equity

Final Report



National Conference of State Legislatures
1405 Curtis Street, 23rd Floor
Denver, Colorado 80202
(303) 623-6600

Earl S. Mackey, Executive Director

1979

NATIONAL CONFERENCE OF STATE LEGISLATURES

Task Force on Gender Equity

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Report prepared by:

Andrea J. Wollock
Special Assistant for State Services

with the assistance of
Ken Hotard, Legislative Intern

July 1979

EXECUTIVE COMMITTEE RESOLUTION CREATING TASK FORCE ON GENDER EQUITY

The Task Force on Gender Equity was created by the NCSL Executive Committee based on recommendations from a study committee. The Executive Committee has directed the purpose of the Task Force and NCSL's responsibilities as follows:

1. NCSL's State Services staff will gather information on and copies of:
 - a. Legislation, passed or considered by the various state legislatures, on issues related to achieving equity between the genders, or sexes, in both law and practice. These include issues which have sometimes been called "women's issues."
 - b. So-called "model" laws or bills, from sources within and outside the legislatures, that purport to achieve equity between the genders.
2. NCSL's State Services staff will utilize the information so gathered to create and maintain a clearinghouse of material and information sources on issues relating to achieving equity between the genders.
3. To facilitate the tasks suggested above for the NCSL's State Services Staff, there will be created a temporary NCSL "Task Force on Gender Equity":
 - a. To be created as soon as possible to assist the NCSL staff in requesting information from the state legislatures.
 - b. To be composed of state legislators and legislative staff, including, if they so desire, the members of the Steering Committee, and to be chaired by two co-chairmen, one of whom should be male and one of whom should be female.
 - c. To meet for the first time at the July 1978 Annual Meeting in Denver, and to terminate at the July 1979 Annual Meeting in San Francisco.

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Introduction

In the Spring of 1978, the NCSL Executive Committee passed a resolution creating a Task Force on Gender Equity, one of whose purposes was to compile, within its one-year existence, 50-state statutory information in various areas of sex discrimination. The Task Force met for the first time at the NCSL Annual Meeting in July 1978, and developed a list of subjects they felt should be studied.

The Task Force met again in December 1978, and reviewed an interim report. At that time, a few additional topics were identified. This report represents the work of the Task Force, detailing state sex discrimination provisions in all of the areas they selected for study.

The Task Force approved this report at the NCSL Annual Meeting in July, 1979. The Task Force was extended for one year in order to complete its work.

In order to compile comprehensive information from the states, NCSL sent a questionnaire to legislative research offices in each of the 50 states. However, because of the length and complexity of the survey, it is possible that some state provisions were inadvertently omitted. NCSL would like to thank those states who responded to the questionnaire.

This report was prepared by Andrea J. Wollock, Special Assistant for State Services, with the assistance of Ken Hotard, Legislative Intern, and Diane Tolson, Administrative Assistant. Special thanks to Laura Salazar, who undertook the copying responsibilities for the report.

ERA AND STATE ERA'S

ERA AND STATE ERA'S

Thirty-eight states are needed to ratify the Equal Rights Amendment to the U.S. Constitution; so far, thirty-five states have approved it. Fifteen states have not passed the amendment.

NCSL has adopted a policy position supporting ratification of the amendment. It states: "NCSL supports ratification of the Equal Rights Amendment as the twenty-seventh amendment to the United States Constitution."

The states which have failed to ratify the ERA and the vote required in each legislature are as follows:

Alabama	3/5 vote (House); majority of those voting and present (Senate)
Arizona	Majority
Arkansas	2/3
Florida	Majority of those voting and present
Georgia	2/3
Illinois	3/5
Louisiana	Majority
Mississippi	Majority of those voting and present
Missouri	Majority
Nevada	Majority
North Carolina	Majority of those voting and present
Oklahoma	Majority
South Carolina	Majority
Utah	Majority
Virginia	Majority of those voting and present (House); Majority (Senate)

ERA was a ballot issue on November 7, 1978, in Florida and Nevada. In both cases, it was defeated.

At least five states have attempted to rescind their ratification of ERA. They are: Idaho, Kentucky, Nebraska, South Dakota and Tennessee. There is still some question as to the legality of rescision. The decision on that issue will not be of importance unless three additional states ratify the amendment.

STATE ERA'S

A total of sixteen states have state ERA provisions in their constitutions. Three states which have not enacted the federal ERA have state ERA's. They are Illinois, Utah, and Virginia. Utah and Wyoming have the equal rights provisions in their original constitutions and have not significantly changed their statutes to conform. The majority of the states with state ERA's adopted the language in the 1970's. Iowa has a proposed state ERA which must still be approved by a vote of its citizens.

Following are the states with state ERA's, the text of their constitutional provisions, and the date they became effective.

Alaska

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House Joint Resolution 102, proposed by the Seventh Legislature and approved by the voters in the August 1972 primary, amended the constitution effective October 14, 1972.

"Civil Rights. No person is to be denied the enjoyment of any civil or political right because of race, color, creed, sex, or national origin." (Article 1, Section 3)

Colorado

House Concurrent Resolution 1006, adopted by the legislature on April 24, 1972, and approved by the voters on November 7, 1972, amended the constitution upon proclamation by the Governor on January 11, 1973.

"Equality of the Sexes. Equality of rights under the law shall not be denied or abridged by the State of Colorado or any of its political subdivisions on account of sex." (Article II, Section 29)

(Note: A proposal to repeal Article II, Section 29, of the Colorado constitution -- the State's equal rights amendment -- was rejected by the electorate of the State on November 2, 1976.)

Connecticut

House Joint Resolution 4, adopted by the legislature on April 12, 1972, amended the constitution upon its approval by the voters on November 5, 1974.

"No person shall be denied the equal protection of the law nor be subjected to segregation or discrimination in the exercise or enjoyment of his or her civil or political rights because of religion, race, color, ancestry, national origin or sex." (Article 1, Section 20)

Hawaii

Senate Bill 1408, adopted by the legislature on March 29, 1972, amended the constitution upon its approval by the voters on November 7, 1972.

"Equality of rights under the law shall not be denied or abridged by the State on account of sex." (Article I, Section 21)

Illinois

A constitutional convention adopted a new constitution on September 3, 1970. Approved by the voters on December 15, 1970, it became effective July 1, 1971.

"No Discrimination on the Basis of Sex--The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts." (Article 1, Section 18)

Maryland

House Bill 687, adopted by the legislature on April 4, 1972, and approved by voter referendum November 7, 1972, amended the constitution effective December 5, 1972.

"Equality of rights under the law shall not be abridged or denied because of sex." (Declaration of Rights, Article 46)

Massachusetts

A proposal agreed to in a joint session of the legislature on August 15, 1973, (House Bill 5313), and similarly agreed to in a joint session of the next legislature on May 14, 1975 (House Bill 5319), amended the constitution upon its approval by the voters on November 2, 1976.

"All persons are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties, that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness."

"Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin." (Article 1, Part First)

Montana

A constitutional convention adopted a new constitution on March 22, 1972. Approved by the voters on June 6, 1972, it became effective on July 1, 1973.

"The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin, or condition, or political or religious ideas." (Article II, Section 4)

New Hampshire

A constitutional convention proposed an amendment to the constitution on May 8, 1974. Adopted by the voters on November 5, 1974, it became effective when its adoption was proclaimed by the Governor on March 19, 1975.

"All men have certain natural, essential and inherent rights-- among which are, the enjoying and defending life and liberty; acquiring, possessing, and protecting property; and, in a word, of seeking and obtaining happiness. Equality of rights under the law shall not be denied or abridged by this State on account of race, creed, color, sex or national origin." (Article 2, Part First)

New Mexico

House Joint Resolution 2, adopted by the legislature on February 15, 1972, and approved by the voters on November 7, 1972, amended the constitution effective July 1, 1973.

"No person shall be deprived of life, liberty or property without due process of law; nor shall any person be denied equal protection of the laws. Equality of rights under law shall not be denied on account of the sex of any person." (Article 2, Section 18)

Pennsylvania

Joint resolutions by two successive legislatures (No. 5, 1970, Public Law 971, House Bill 1678, and No. 2, 1971, Public Law 767, House Bill 14) amended the constitution upon approval by the electorate on May 18, 1971.

"Prohibition Against Denial or Abridgement of Equality of Rights Because of Sex.--Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual."
(Article 1, Section 28)

Texas

Senate Joint Resolution 16, adopted by the legislature on April 27, 1971, amended the constitution upon its approval by the voters on November 7, 1972.

"Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin."
(Article 1, Section 3a)

Utah

The original constitution, adopted in 1896, includes the following provision:

"The rights of citizens of the State of Utah to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall enjoy equally all civil, political and religious rights and privileges. (Article IV, Section 1)

(Note: A constitutional provision--Article XVI, Section 3--prohibiting the employment of women--or of children under age 14--in underground mines has been amended by statutory enactment--Title 34-22-1, Utah Code Annot. 1971--which provides that such employment is unlawful only if the industrial commission finds it detrimental to the health and safety of female employees. There are women currently working in Utah mines. A constitutional provision (Article XVI, Section 8) authorizing the establishment of a minimum wage for women (and minors) only remains in effect.)

Virginia

A general revision of the constitution of Virginia was proposed and agreed to by the General Assembly at the 1969 extra session and referred to the 1970 regular session which approved the revision. Ratified by the voters on November 3, 1970, the revised constitution became effective July 1, 1971.

"(T)he right to be free from any governmental discrimination upon the basis of religious conviction, race, color, sex, or national origin shall not be abridged, except that the mere separation of sexes shall not be considered discrimination." (Article 1, Section 11)

Washington

House Joint Resolution 61, adopted by the legislature on February 15, 1972, and approved by the voters on November 7, 1972, amended the constitution effective December 7, 1972.

"Sex Equality--Rights and Responsibilities. Equality of rights and responsibility under the law shall not be denied or abridged on account of sex." (Article XXXI, Section 1)

Wyoming

The original constitution, adopted in 1890, includes the following provisions:

"In their inherent right to life, liberty and pursuit of happiness, all members of the human race are equal."
(Article 1, Section 2)

"Since equality in the enjoyment of natural and civil rights is only made sure through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstances or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction."
(Article 1, Section 3)

"The rights of citizens of the State of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this State shall equally enjoy all civil, political and religious rights and privileges."
(Article 6, Section 1)

(Note: A constitutional provision--Article 9, Section 3--prohibiting the employment of any woman or girl of any age--or any boy under the age of 14--in Wyoming mines remains in effect.)

Of the 14 states which have adopted equal rights amendments or provisions since 1970, three -- Illinois, Pennsylvania, and Virginia -- took such action prior to Congressional approval in 1972 of the proposed Equal Rights Amendment to the U.S. Constitution.

ISSUES

CORRECTIONS

Most state laws dealing with women prisoners require separate institutions for women, female guards for female prisoners or separate cells for women inmates. A few states have established community treatment centers for women, or have mandated programs for women convicts who have children. None of the laws compiled through NCSL's survey addresses the question of equal opportunity in a prison's vocational training program.

Only 11 states have laws dealing specifically with women prisoners. Their provisions are described in the following chart.

CORRECTIONS

STATE	STATUTORY CITATION	SUBJECTS COVERED
Alabama	Ala. Code, Sec. 14-3-39 Sec. 14-3-40	female guards for female prisoners males and females confined separately
California	Cal. Penal Code (West), Sec. 3410 et seq.	community treatment programs for mothers with children
Colorado	Colo. Rev. Stat. Ann., Sec. 17-26-106 Sec. 17-21-101 Sec. 17-22-105	males and females confined separately unless married women's facility separate institutions
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 17-381	female guard to take woman to prison
Florida	Fla. Stat. Ann. (West), Sec. 944.24 Sec. 945.081	female guards for female prisoners males and females confined separately
Maryland	Md. Ann. Code, Art. 27, Sec. 75(b) Art. 27, Sec. 699	revoke death warrant when female prisoner pregnant disposition of child of woman prisoner
Ohio	Ohio Rev. Code Ann. (Page), Sec. 5143.21	reformatory for women over 16 years of age
Oregon	Or. Rev. Stat., Sec. 137.350 Sec. 421.610 Sec. 144.005	female guard to take woman to prison separate facility for women one of five-member Parole Board to be a woman
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 61, Sec. 460.11 to 460.17	separate facilities for women, female guards, regional community treatment centers
South Carolina	S.C. Code, Sec. 24-5-140	female facility in conjunction with poor farm (for those not convicted of capital offenses)
West Virginia	W.Va. Code, Secs. 28-5C-1 to 28-5C-4	separate facilities

EDUCATION

Title IX of the Education Amendments of 1972 states: "No person...shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance...."

As reported by the Project on Equal Education Rights (PEER) of the NOW Legal Defense and Education Fund, the law bars sex discrimination in any "academic, extracurricular, research, occupational training or other educational program (preschool to post graduate) operated by an organization or agency which receives or benefits from federal aid."

At least 15 states have enacted laws prohibiting discrimination in education. Some of these are comprehensive, making sex discrimination in education illegal. Others specifically address the issues of equal athletic opportunities and curriculum development.

The following chart lists those states with statutes prohibiting sex discrimination in education.

EDUCATION

STATE	STATUTORY CITATION	GENERAL	ATHLETICS	CURRICULUM
Alaska	Alaska Stat., Sec. 18.80.255		X	X
California	Ca. Educ. Code, Secs. 51213, 51227, 78202, 24080, 24082, 10930		X	X
Hawaii	Haw. Rev. Stat., Sec. 296-60	X		
Idaho	Idaho Code, Sec. 67-5909 (6)	X		
Illinois	Ill. Rev. Stat., Ch. 122, Sec. 27-1		X	X
Iowa	Iowa Code Ann. (West), Sec. 601A.9		X	X
Kentucky	Ky. Rev. Stat. Ann. (Baldwin), Sec. 157.350 (5)		X ¹	
Michigan	Mich. Comp. Laws Ann., Secs. 37.2402, 340.379, 380.1174	X	X	X.
Minnesota	Minn. Stat. Ann. (West), Sec. 126.21		X	
New York	N.Y. Exec. Law (McKinney), Sec. 296 (4)	X		
Oregon	Or. Rev. Stat., Secs. 659.150, 659.155, 336.082, 336.086	X		X
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 24, Sec. 5004	X		
South Dakota	S.D. Compiled Laws Ann., Sec. 20-13-22	X		
Washington	Wash. Rev. Code Ann., Sec. 28A.85.020	X		
Wisconsin	Wis. Stat. Ann. (West), Secs. 118.13, 118.135		X	X

¹If a school has a basketball team for boys, it must also have one for girls.

BANKING AND CREDIT

Several federal laws, enacted within the past five years, have dealt with the problems of discrimination in credit and mortgage loans. The Equal Credit Opportunity Act, passed in late 1974 and amended in 1976, prohibits discrimination on the basis of sex or marital status in any credit transactions. It covers retail stores, credit card companies, banks and other lending institutions. The Fair Housing Act was amended in 1974, to prohibit discrimination on the basis of sex in the sale, financing and rental of housing. As amended in 1974, the National Housing Act now prohibits sex discrimination in federally-related mortgage lending and requires lenders to include a wife's salary when a couple applies for a mortgage.

At least 39 states have enacted some type of law dealing with equality in credit, home financing, credit card application or loans in general. Some have laws covering general credit discrimination as well as specifically prohibiting certain practices.

According to NCSL's survey, at least 29 states have enacted equal credit laws, 21 have passed bills prohibiting sex discrimination (and in some cases marital consideration) in granting home financing, 14 have statutes providing equality in obtaining loans in general, and five specifically grant equality in credit card application. Some equal credit laws include business loans among the transactions provided equal protection.

It is important to note that penalties are not always provided in equal credit laws, making them more difficult to enforce.

Following is a chart detailing state statutes in the areas of banking and credit.

EQUAL BANKING AND CREDIT LAWS

STATE	STATUTORY CITATION	General Credit	Credit Cards	Loans	Home Financing	Other
Alaska	Alaska Stat., Secs. 18.80.240, 18.80.250	X	X		X	
Arkansas	1975 Ark. Acts, #566		X			
California	Cal. Civ. Code (West), Sec. 1812.30 Health & Safety Code, Sec. 35811	X	X	X		
Colorado	Colo. Rev. Stat. Ann., Sec. 14-2-208					1
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 36-436(b), 36-437	X				
Delaware	Del. Code Ann., Title 6, Sec. 4603				X	
Florida	Fla. Stat. Ann (West), Sec. 725.07 Sec. 159.601 et seq. Sec. 541.13	X		X	X	2
Georgia	Ga. Code Ann., Sec. 28-6	X		X		
Hawaii	Haw. Rev. Stat., Sec. 477E Secs. 515-3, 515-5	X			X	
Idaho	Idaho Code, Sec. 67-5909				X	
Illinois	Ill. Rev. Stat., Ch. 95, Sec. 301 et seq. Ch. 121 1/2, Sec. 385.1		X	X		
Indiana	Ind. Code, Ann. (Burns), Sec. 22-9-1-2					3
Iowa	Iowa Code Ann. (West), Sec. 601A.10, 537.3311 Sec. 601A.8	X		X	X	
Kansas	Kan. Stat. Ann., Sec. 44-1017				X	
Kentucky	Ky. Rev. Stat. Ann. (Baldwin), Sec. 344.400 Sec. 344.370	X			X	
Louisiana	La. Rev. Stat. Ann. (West), Sec. 9:3581	X				
Maine	Me. Rev. Stat. Ann., Title 5, Sec. 4582 Title 5, Secs. 4595, 4596	X		X		
Maryland	Md. Ann Code Art. 49B, Sec. 23 (a) Art. 83, Secs. 128 (e), 153C (b), 128 (e)	X		X	X	

EQUAL BANKING AND CREDIT LAWS

STATE	STATUTORY CITATION	General Credit	Credit Cards	Loans	Home Financing	Other
Massachusetts	Mass. Gen. Laws Ann. (West), Ch. 151B, Sec. 4	X		X		
Michigan	Mich. Comp. Laws Ann., Sec. 37.2504 Sec. 750.147a	X			X	
Minnesota	Minn. Stat. Ann. (West), Sec. 363.03	X			X	
Missouri	Mo. Ann. Stat. (Vernon), Sec. 213.110 Sec. 408.255	X			X	
Montana	Mont. Code Ann., Sec. 49-2-306	X			X	
Nevada	Nev. Rev. Stat., Sec. 598B.01 et seq.	X		X		
New Jersey	N.J. Stat. Ann. (West), Sec. 10:5-12	X		X		
New Mexico	N.M. Stat. Ann., Sec. 28-1-7			X		
New York	N.Y. Exec. Law (McKinney), Secs., 296, 296a	X			X	
North Carolina	N.C. Gen. Stat., Sec. 25B-4	X			X	
Ohio	Ohio Rev. Code Ann. (Page), Sec. 4112.02 Sec. 4112.021	X			X	
Oklahoma	Okla. Stat. Ann. (West), (Supp.) Title 14A, Sec. 1-109	X		X		
Rhode Island	R.I. Gen. Laws, Sec. 34-37-4.1	X		X		
South Dakota	S.D. Compiled Laws Ann., Sec. 20-13-21				X	
Tennessee	Tenn. Code Ann., Sec. 47-17-101 to 47-17-105	X				
Texas	Tex. Civ. Code Ann. (Vernon), Sec. 5069-2.07	X		X		
Utah	Utah Code Ann., Sec. 70B-11-101	X				
Vermont	Vt. Stat. Ann., Title 8, Sec. 1211 Title 8, Sec. 1302		X		X	
Virginia	Va. Code, Sec. 36-90 Sec. 59.1-21.19	X			X	

EQUAL BANKING AND CREDIT LAWS

STATE	STATUTORY CITATION	General Credit	Credit Cards	Loans	Home Financing	Other
Washington	Wash. Rev. Code Ann., Sec. 49.60.176 Secs. 49.60.222, 49.60.224	X			X	
Wisconsin	Wis. Stat. Ann. (West), Sec. 138.20	X		X		

Other:

- 1 = Married woman may contract for her own debts
- 2 = Trade practices
- 3 = Policy of state to prohibit discrimination

INSURANCE AND PENSIONS

Insurance

The insurance industry's sex discrimination practices deal with the availability of policies, scope of coverage and rate setting. Many states prohibit discrimination in life insurance of persons of "the same class and life expectancy." This means that women may be charged different rates for life insurance coverage, based on actuarial tables. Those provisions are not included in the following chart because there is some question whether they constitute discrimination.

At least 12 states prohibit insurance discrimination, either in a general manner or for specific types of insurance. They are listed in the following chart.

Pensions

The U. S. Supreme Court in 1978 ruled that an employer's retirement plan violated the sex discrimination prohibitions of Title VII of the Civil Rights Act of 1964 by requiring female employees to make larger retirement fund contributions than their male counterparts. The case, City of Los Angeles, Department of Water and Power v. Manhart, (435 U.S. 702), dealt with the issue of viewing women as a class. Since women (as a class) live longer than men, they are often required to make larger pension contributions or receive lower benefits. Women were required (in the Los Angeles city department cited above) to contribute almost 15 percent more than men for their pension benefits. The court declared that women could not be required to pay more into a pension plan than men.

This decision could have broader applicability to life insurance rates. The U.S. Commission on Civil Rights has published a two-volume set of material on the subject of discrimination in pensions and insurance. Entitled Consultation on Discrimination Against Minorities and Women in Pensions and Health, Life, and Disability Insurance, it is available from the Commission.

Only three states mentioned specific pension statutes in their questionnaire responses, though some states cited general provisions prohibiting discrimination in employment benefits. Those states are not listed here. The following chart lists only those statutes which specifically refer to pension benefits.

INSURANCE AND PENSIONSCode:

L = Life insurance
 D = Disability insurance
 H = Health insurance
 A = Auto insurance
 G = General nondiscrimination

STATE	STATUTORY CITATION	INSURANCE NONDISCRIMINATION	PENSIONS
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 38-201c	G	
Iowa	Iowa Code Ann. (West), Sec. 601A.10 (3) Sec. 601A.13	H,D	X ¹
Kansas	Kan. Stat. Ann., Sec. 74-4918 (2)		X ²
Maryland	Md. Ann. Code, Art. 48A, Sec. 223	H	
Massachusetts	Mass. Gen. Laws Ann. (West), Ch. 151B, Sec. 4	G	
Michigan	Mich. Comp. Laws Ann., Sec. 500.2027	G	
New Jersey	PL 106, enacted 1979		X ³
North Carolina	N.C. Gen. Stat., Sec. 58-44.3	G	
Oklahoma	Okla. Stat. Ann. (West), Title 36, Secs. 902,903	D	
Oregon	Or. Rev. Stat., Sec. 743.037	H	
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 41, Sec. 1171.5 (7iii)	G	
Virginia	Va. Code, Sec. 38.1-381.6	A	
Washington	Wash. Rev. Code Ann., Sec. 49.60.178	G	
Wisconsin	Wis. Stat. Ann. (West), Secs. 628.34 (3), 628.35	G ⁴ , A	

¹This statute allows discrimination in pension plans.

²This statute states that the amount of retirement benefit depends on sex and age of member of plan.

³This new law provides that women pay the same amount into a pension plan as men. They had previously been paying higher rates.

⁴This statute prohibits discrimination among policyholders, without specifically mentioning women.

LABOR LAWS FOR WOMEN ONLY

In the late nineteenth and early twentieth century, labor law reforms were instituted in nearly every state limiting the occupations open to women and restricting their working conditions. This protective legislation made it more difficult for women to hold jobs ordinarily reserved for men. Title VII of the Civil Rights Act of 1964 specifically prohibits sex discrimination in employment. The Act also prohibits discrimination based on race, color, religion or national origin, and covers the areas of: hiring and firing; wages; fringe benefits; classifying, referring, assigning, or promoting; expending or assigning use of facilities; training, retraining, or apprenticeships; or any other terms, conditions or privileges of employment.

Within the past ten years, most state statutes aimed at protecting women have been repealed, amended to apply equally to men and women, or invalidated by state attorneys general or the courts. NCSL's survey shows that 21 states still have some type of protective laws which require employers to do one or all of the following:

- 1) Require seats for women when they are not working;
- 2) Provide the maximum hours women may work without a break;
- 3) Provide that separate restrooms be available for women;
- 4) Require rest periods for women; and
- 5) Limit women's overtime work.

According to the U.S. Department of Labor, at least 42 states presently prohibit sex discrimination in employment or wages (as of 1976).

The following chart lists those states which still have one or more of the protective laws applying only to women. Some of these may still be in violation of Title VII of the Civil Rights Act of 1964, or may not be presently enforced on that basis.

LABOR LAWS FOR WOMEN ONLY

STATE	STATUTORY CITATION	Seats	Restrooms	Maximum Hours	Other
Alabama	Ala. Code, Sec. 25-1-2	X	X		
Arkansas	Ark. Stat. Ann., Sec. 81-410 Sec. 81-609 Sec. 81-620	X	X	X	
Georgia	Ga. Code Ann., Sec. 54-501	X			
Idaho	Idaho Code, Sec. 44-1108	X			
Massachusetts	Mass. Gen. Laws Ann. (West), Ch. 149, Sec. 56			X	
Mississippi	Miss. Code Ann., Sec. 71-1-33			X	
Missouri	Mo. Ann. Stat. (Vernon), Secs. 292.150, 292.160		X		
New Hampshire	N.H. Rev. Stat. Ann., Sec. 277:8 Sec. 275:15	X		X	
New Jersey	N.J. Stat. Ann. (West), Sec. 34:2-29	X			
New Mexico	N.M. Stat. Ann., Sec. 50-5-11 Sec. 50-5-1	X		X	
New York	N.Y. Lab. Law (McKinney), Sec. 203-b	X			
Ohio	Ohio Rev. Code Ann. (Page), Sec. 4107.42 Sec. 4107.46	X		X	
Oklahoma	Okla. Stat. Ann. (West), Title 40, Sec. 83	X			
Pennsylvania	Pa. Stat. Ann (Purdon), Title 43, Sec. 108 Title 43, Sec. 109 Title 43, Sec. 105	X	X	X	
Rhode Island	R.I. Gen. Laws, Sec. 28-3-14			X	
South Carolina	S.C. Code, Sec. 41-15-60	X	X		
Tennessee	Tenn. Code Ann., Sec. 50-609		X		
Texas	Tex. Civ. Code Ann. (Vernon), Sec. 5172a	X		X	
Utah	Utah Code Ann., Sec. 34-22-5 Sec. 34-22-9				1 2

LABOR LAWS FOR WOMEN ONLY

STATE	STATUTORY CITATION	Seats	Restrooms	Maximum Hours	Other
West Virginia	W. Va. Code, Sec. 21-3-11 Sec. 21-3-12	X	X		
Wyoming	Wyo. Stat. Ann., Sec. 27-6-101 Sec. 27-6-102	X			3

Other:

- 1 = Employer report names, hours and wages of women
- 2 = Industrial Commission to set minimum wage, maximum hours, and conditions for women
- 3 = Hours, overtime, rest periods

DISPLACED HOMEMAKERS

The displaced homemaker is defined in most state laws as: an individual over 35 years of age who has worked without pay as a homemaker for his or her family; is not gainfully employed; has had, or would have, difficulty finding employment; and has depended on the income of a family member and has lost that income. The number of displaced homemakers is estimated between 2 and 3 million.

In an effort to provide employment counseling and referral services, as well as other assistance to displaced homemakers, at least 29 states have enacted legislation creating multi-purpose service centers. Five of these did not appropriate funds to the project. In addition, Hawaii appropriated money in 1978, but never expended it, and Montana has centers operating with CETA funds through the state's Department of Labor.

The following chart lists those states which have laws providing multi-purpose service centers to aid displaced homemakers.

DISPLACED HOMEMAKERS

STATE	STATUTORY CITATION	MULTI-PURPOSE CENTERS	OTHER
Arkansas	1979 Ark. Acts, #688	X	no appropriation
California	Cal. Gov't. Code (West), Sec. 7320 et seq.	X	
Colorado	Colo. Rev. Stat., Sec. 8-15.5-101	X	
Delaware	Del. Code Ann., Title 31, Ch. 13	X	
Florida	Fla. Stat. Ann. (West), Secs. 410.30, 410.301	X	
Hawaii			appropriated funds in 1978; never spent
Illinois	Ill. Rev. Stat., Ch. 23, Sec. 3451 et seq.	X	
Iowa	Laws of the 67th General Assembly (1978), Ch. 1018, Sec. 24		appropriation for projects for dis- placed homemakers; no substantive legislation
Kentucky	Ky. Rev. Stat. Ann., Secs. 195.120, 195.130, 195.140	X	no appropriation
Louisiana	La. Rev. Stat. Ann., (West), Sec. 1991 et seq.	X	
Maine	Me. Rev. Stat. Ann., Title 26, Sec. 1601 et seq.	X	
Maryland	Md. Ann. Code, Art. 88A, Sec. 90 et seq.	X	
Massachusetts	Laws of 1977, Ch. 647		temporary supportive residences for women in transition; no appropriation
Michigan	Mich. Comp. Laws Ann., Sec. 421.101 et seq.	X	
Minnesota	Minn. Stat. Ann. (West), Sec. 4.40		appropriation to Governor's Manpower Office to arrange and fund counseling programs

DISPLACED HOMEMAKERS

STATE	STATUTORY CITATION	MULTI-PURPOSE CENTERS	OTHER
Montana			CETA-funded centers in operation through State Department of Labor
Nebraska	Neb. Rev. Stat., Sec. 48-1301 et seq.	X	
Nevada	Laws of 1979, Ch. 421	X	
New Jersey	N.J. Stat. Ann. (West), Sec. 52:27D- 43.18 to 52:27D-43.24 Ch. 125 (Laws of 1979)		appropriation to Division of Women to identify existing programs for displaced home- makers and provide technical assistance
New Mexico	N.M. Stat. Ann., Sec. 28-3-7 et seq.		research and planning for displaced home- makers programs
New York	N.Y. Lab. Law (McKinney), Sec. 825 et seq.	X	
North Carolina	Laws of 1979, Ch. 1016	X	
North Dakota	N.D. Cent. Code, Sec. 50-06.2		provide services and counseling, no appropriation
Ohio	HB 32 (1977)	X	
Oklahoma	Okla. Stat. Ann., Title 70, Sec. 14-113	X	
Oregon	Or. Rev. Stat., Secs. 411.900, 411.905	X	
Rhode Island	R.I. Gen. Laws, Sec. 16-27.1	X	
South Dakota	SB 82 (1979)	X	no appropriation
Texas	Tex. Ann. Civ. Stat., Art. 695m Art. 522lg, Secs. 1 to 5	X	Texas Employment Commission to establish job counseling program
Washington	Laws of 1979, Ch. 73	X	
Wisconsin	Wis. Stat. Ann. (West), Sec. 46.90	X	

FLEXTIME AND JOB SHARING

Only four states have enacted laws creating flexible work schedules or part-time employment opportunities for state employees. Other states may have flextime or job sharing programs through individual agency rules and regulations. The following chart lists only those states with statutory provisions applying to all state employees.

FLEXTIME AND JOB SHARING

STATE	STATUTORY CITATION	SUBJECTS COVERED
Hawaii	Act 150 (1978)	pilot project, staggered work hours and variable time program-- state employees
Maryland	Md. Ann. Code, Art. 64A, Sec. 51	part-time jobs available in all positions at all levels -- state employees
Nevada	Nev. Rev. Stat., Sec. 281.100	variable workday -- state employees
Wisconsin	Wis. Stat. Ann. (West), Sec. 230.215	flexible time schedules and part-time employment -- state employees

DIVORCE

No-fault divorce, in which no grounds need be proved and neither spouse faulted, has been enacted in 47 states. In most cases, no-fault grounds may simply be cited as "irretrievable breakdown" or "irreconcilable differences." Eleven states have eliminated fault grounds entirely. Some states have a degree of no-fault in which separation for a given period of time may be used as a grounds for divorce. Only Illinois, Pennsylvania and South Dakota still require "fault" to be proved in divorce proceedings.

In the following chart, "no-fault" refers to those states which use "irretrievable breakdown" or "irreconcilable differences" as grounds for divorce. Separation is considered a form of no-fault divorce. "Grounds" refers to the "fault" grounds used in the states, including (but not necessarily limited to) adultery, desertion, mental and/or physical cruelty, nonsupport, alcoholism and/or drug addiction and insanity. Where "insanity" is the only "fault" ground it is footnoted as such.

DIVORCENO-FAULT DIVORCE

STATE	STATUTORY CITATION	NO-FAULT DIVORCE		GROUNDS
		Marriage Breakdown	Separation	
Alabama	Ala. Code, Sec. 30-2-1	X		X
Alaska	Alaska Stat., Sec. 909.55.110	X		X
Arizona	Ariz. Rev. Stat., Sec. 25-312	X		
Arkansas	Ark. Stat. Ann., Sec. 34-1202		X	X
California	Cal. Civ. Code (West), Secs. 4506 to 4515	X		
Colorado	Colo. Rev. Stat. Ann., Sec. 14-10-106	X		
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 466-40	X		X
Delaware	Del. Code Ann., Title 13, Sec. 1522	X		X
Florida	Fla. Stat. Ann. (West), Sec. 61.052	X		1
Georgia	Ga. Code Ann., Sec. 30-102	X		X
Hawaii	Haw. Rev. Stat., Sec. 580-41	X		X
Idaho	Idaho Code, Sec. 32-603	X		X
Illinois	Ill. Rev. Stat., Ch. 40, Secs. 401 to 413			X
Indiana	Ind. Code Ann. (Burns), Sec. 31-1-11.5-7	X		X
Iowa	Iowa Code Ann. (West), Sec. 598.1 et seq.	X		
Kansas	Kan. Stat. Ann., Sec. 60-1601	X		X
Kentucky	Ky. Rev. Stat. Ann. (Baldwin), Sec. 403.170	X		
Louisiana	La. Civ. Code Ann. (West), Art. 139		X	X
Maine	Me. Rev. Stat. Ann., Title 19, Sec. 691	X		X
Maryland	Md. Ann. Code, Art. 16, Secs. 24, 26		X	X
Massachusetts	Mass. Gen. Laws Ann. (West), Ch. 208, Sec. 1	X		X

DIVORCE

STATE	STATUTORY CITATION	NO-FAULT DIVORCE		GROUNDS
		Marriage Breakdown	Separation	
Michigan	Mich. Comp. Laws Ann., Sec. 552.6	X		
Minnesota	Minn. Stat. Ann.(West), Sec. 518.06	X		
Mississippi	Miss. Code Ann., Secs. 93-5-1, 93-5-2	X		X
Missouri	Mo. Ann. Stat. (Vernon), Sec. 452.320	X		
Montana	Mont. Code Ann., Sec. 48-316	X		
Nebraska	Neb. Rev. Stat., Secs. 42-361, 42-362	X		1
Nevada	Nev. Rev. Stat., Sec. 125.010		X	1
New Hampshire	N.H. Rev. Stat. Ann., Secs. 458:7, 458:7a	X		X
New Jersey	N.J. Stat. Ann. (West), Sec. 2A:34-2		X	X
New Mexico	N.M. Stat. Ann., Sec. 40-4-1	X		X
New York	N.Y. Dom. Rel. Law (McKinney), Sec. 170		X	X
North Carolina	N.C. Gen. Stat., Secs. 50-5, 50-6		X	X
North Dakota	N.D. Cent. Code, Sec. 14-05-03	X		X
Ohio	Ohio Rev. Code Ann. (Page), Secs. 3105.01, 3105.61	X		X
Oklahoma	Okla. Stat. Ann.(West), Title 12, Sec. 1271	X		X
Oregon	Or. Rev. Stat., Sec. 107.025	X		
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 23, Sec. 10			X
Rhode Island	R.I. Gen. Laws, Secs. 15-5-2, 15-5-3, 15-5-3.1	X	X	X
South Carolina	S.C. Code, Sec. 20-3-10		X	X
South Dakota	S.D. Compiled Laws Ann., Secs. 25-4-2, 25-4-17, 25-4-18			X
Tennessee	Tenn. Code Ann., Secs. 36-801, 36-802	X		X

DIVORCE

STATE	STATUTORY CITATION	NO-FAULT DIVORCE		GROUNDS
		Marriage Breakdown	Separation	
Texas	Tex. Fam. Code Ann. (Vernon), Arts. 3.01 to 3.07		X	X
Utah	Utah Code Ann., Sec. 30-3-1		X	X
Vermont	Vt. Stat. Ann., Title 15, Sec. 551		X	X
Virginia	Va. Code, Sec. 20-91		X	X
Washington	Wash. Rev. Code Ann., Sec. 26.09.030	X		
West Virginia	W.Va. Code, Sec. 48-2-4	X		X
Wisconsin	Wis. Stat. Ann (West), Sec. 247.07	X		
Wyoming	Wyo. Stat. Ann., Secs. 20-2-104, 20-2-105	X		1

Grounds:

1 = Insanity

SPOUSAL SUPPORT, ALIMONY

Under common law, spousal support obligations were aimed entirely at men. The husband was responsible for the support of his wife and had sole right to her services and wages. He also controlled all of his wife's property. Today, all states give the wife control of her own income and property.

Only eight states have failed to remove the sex-bias from their alimony or maintenance provisions. One of those eight is Alabama, whose law was ruled unconstitutional by the U.S. Supreme Court in *Orr v. Orr*, 59 L. Ed. 2d 306 (1979), because it discriminated against men.

The issue of spousal support responsibilities in marriage are not included here, though many states still require the husband to support the wife.

The following chart lists state statutes with equal alimony provisions and those where only the wife can obtain support.

SPOUSAL SUPPORT, ALIMONY

(upon divorce)

STATE	STATUTORY CITATION	EQUAL PROVISIONS	WIFE ONLY
Alabama	Ala. Code, Sec. 30-2-51		X ¹
Alaska	Alaska Stat., Sec. 09.55.210	X	
Arizona	Ariz. Rev. Stat., Sec. 25-319	X	
Arkansas	Ark. Stat. Ann., Sec. 34-1211		X
California	Cal. Civ. Code (West), Sec. 4801	X	
Colorado	Colo. Rev. Stat. Ann., Sec. 14-10-114	X	
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 46b-82	X	
Delaware	Del. Code Ann., Title 13, Sec. 1532	X ²	
Florida	Fla. Stat. Ann. (West), Sec. 61.08	X	
Georgia	Ga. Code Ann., Secs. 30-201, 30-209	X	
Hawaii	Haw. Rev. Stat., Sec. 580-47	X	
Idaho	Idaho Code, Sec. 32-706		X ³
Illinois	Ill. Rev. Stat., Ch. 40, Secs. 503,504	X	
Indiana	Ind. Code Ann. (Burns), Secs. 31-1-11.5-10, 31-1-11.5-11. PL 273 (1979)	X	
Iowa	Iowa Code Ann. (West), Sec. 598.21	X	
Kansas	Kan. Stat. Ann., Sec. 60-1610	X	
Kentucky	Ky. Rev. Stat. Ann. (Baldwin), Sec. 403.200	X	
Louisiana	La. Civ. Code Ann. (West), Art. 160		X
Maine	Me. Rev. Stat. Ann., Title 19, Sec. 721	X	
Maryland	Md. Ann. Code, Art. 16, Sec. 3	X	
Massachusetts	Mass. Gen. Laws Ann. (West), Ch. 208, Sec. 34	X ⁴	
Michigan	Mich. Comp. Laws Ann., Secs. 552.13, 552.23	X	
Minnesota	Minn. Stat. Ann. (West), Sec. 518.55	X	
Mississippi	Miss. Code Ann., Sec. 93-5-23	X	

SPOUSAL SUPPORT, ALIMONY

(upon divorce)

STATE	STATUTORY CITATION	EQUAL PROVISIONS	WIFE ONLY
Missouri	Mo. Ann. Stat. (Vernon), Sec. 452.335	X	
Montana	Mont. Code Ann., Sec. 48-322	X	
Nebraska	Neb. Rev. Stat., Sec. 42-365	X	
Nevada	Nev. Rev. Stat., Sec. 125.150	X	
New Hampshire	N.H. Rev. Stat. Ann., Secs. 458:16, 458:22	X	
New Jersey	N.J. State. Ann. (West), Sec. 2A:34-23		X
New Mexico	N.M. Stat. Ann., Sec. 40-4-7	X	
New York	N.Y. Dom. Rel. Law (McKinney), Sec. 236		X
North Carolina	N.C. Gen. Stat., Secs. 15-13.4, 15-13.5	X	
North Dakota	N.D. Cent. Code, Sec. 15-05-24	X	
Ohio	Ohio Rev. Code Ann. (Page), Sec. 3105.18	X	
Oklahoma	Okla. Stat. Ann. (West), Title 12, Sec. 1278	X	
Oregon	Or. Rev. Stat., Sec. 107.105	X	
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 23, Sec. 55	X	
Rhode Island	R.I. Gen. Laws, Secs. 15-5-3.1, 15-5-9	X	
South Carolina	S.C. Code, Sec. 20-3-130	X	
South Dakota	S.D. Compiled Laws Ann., Sec. 25-4-41	X	
Tennessee	Tenn. Code Ann., Sec. 36-820		X
Texas	Tex. Fam. Code Ann. (Vernon), Secs. 3.63, 4.02	X	
Utah	Utah Code Ann., Sec. 30-3-5, as amended by HB 188 (1979)	X	
Vermont	Vt. Stat. Ann., Title 15, Sec. 754	X	
Virginia	Va. Code, Sec. 20-107	X	
Washington	Wash. Rev. Code Ann., Secs. 26.09.050, 16.09.090	X	

SPOUSAL SUPPORT, ALIMONY

(upon divorce)

STATE	STATUTORY CITATION	EQUAL PROVISIONS	WIFE ONLY
West Virginia	W.Va. Code, Sec. 48-2-15	X	
Wisconsin	Wis. Stat. Ann. (West), Sec. 247.26	X	
Wyoming	Wyo. Stat. Ann., Sec. 20-2-114		X

¹Declared unconstitutional by the U.S. Supreme Court in Orr v. Orr, 59 L. Ed. 2^d 306 (1979).

²Plaintiff must pay support to defendant.

³Husband must provide alimony if at fault in divorce.

⁴Court may decree alimony to wife or "a part of her estate, in the nature of alimony" to the husband.

COMMUNITY PROPERTY

Eight states have a community property law, under which all property acquired after marriage, including either spouse's earnings, belongs to both spouses together. This insures that each spouse is entitled to one-half of the total community property, regardless of whether he or she has earned less. These eight states are: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas and Washington. Only Louisiana gives sole control of the community property to the husband. All eight community property states require all property to be divided upon divorce. In only two states, California and Louisiana, the community must be divided equally between the spouses; the other six empower the courts to divide the property equitably.

The following list gives statutory citations for the community property laws in those eight states.

COMMUNITY PROPERTY STATES

<u>STATE</u>	<u>STATUTORY CITATION</u>
Arizona	Ariz. Rev. Stat., Sec. 25-211
California	Cal. Civ. Code (West), Secs. 4800 to 4803
Idaho	Idaho Code, Sec. 32-912
Louisiana	La. Civ. Code Ann. (West), Art. 2334
Nevada	Nev. Rev. Stat., Sec. 123.200 et seq.
New Mexico	N.M. Stat. Ann., 40-3-4 et seq.
Texas	Tex. Fam. Code Ann. (Vernon), Sec. 5.01
Washington	Wash. Rev. Code Ann., Sec. 26.16.030

CHILD SUPPORT AND CUSTODY

Forty-six states have enacted equal child support and custody laws. The four remaining states (Arkansas, Idaho, Tennessee and Utah) have laws which primarily benefit the wife in terms of child support and maintenance.

The following chart lists those states where provisions are equal and those where the wife benefits.

CHILD SUPPORT AND CUSTODY

STATE	STATUTORY CITATION	EQUAL PROVISIONS	WIFE BENEFIT
Alabama	Ala. Code, Sec. 30-3-1	X	
Alaska	Alaska Stat., Sec. 09.55.200	X	
Arizona	Ariz. Rev. Stat., Sec. 25-320	X	
Arkansas	Ark. Stat. Ann., Sec. 34-1211		X ¹
California	Cal. Civ. Code (West), Sec. 4700	X	
Colorado	Colo. Rev. Stat. Ann., Sec. 14-10-115	X	
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 46b-84	X	
Delaware	Del. Code Ann., Title 13, Sec. 1513	X	
Florida	Fla. Stat. Ann. (West), Sec. 61.13	X	
Georgia	Ga. Code Ann., Sec. 30-207	X	
Hawaii	Haw. Rev. Stat., Sec. 580-47	X	
Idaho	Idaho Code. Sec. 32-706		X ²
Illinois	Ill. Rev. Stat., Ch. 40, Secs. 503, 504, 505	X	
Indiana	Ind. Code Ann. (Burns), Secs. 31-1-11.5-10, 31-1-11.5-12; Enrolled Act #1216	X	
Iowa	Iowa Code Ann. (West), Sec. 598.21	X	
Kansas	Kan. Stat. Ann., Sec. 60-1610	X	
Kentucky	Ky. Rev. Stat. Ann. (Baldwin), Secs. 403.200, 403.210	X	
Louisiana	La. Civ. Code Ann. (West), Art. 157	X	
Maine	Me. Rev. Stat. Ann., Title 19, Sec. 752	X	
Maryland	Md. Ann. Code, Art. 16, Sec. 5A	X	
Massachusetts	Mass. Gen. Laws Ann. (West), Ch. 208, Sec. 28	X	
Michigan	Mich. Comp. Laws Ann., Secs. 552.17a, 552.27, 552.333	X	
Minnesota	Minn. Stat. Ann. (West), Secs. 518.17, 518.57	X	
Mississippi	Miss. Code Ann., Sec. 93-5-23	X	

CHILD SUPPORT AND CUSTODY

STATE	STATUTORY CITATION	EQUAL PROVISIONS	WIFE BENEFIT
Missouri	Mo. Ann. Stat. (Vernon), Sec. 452.340	X	
Montana	Mont. Code Ann., Sec. 48-322	X	
Nebraska	Neb. Rev. Stat., Sec. 42-364	X	
Nevada	Nev. Rev. Stat., Sec. 125.150	X	
New Hampshire	N.H. Rev. Stat. Ann., Sec. 458:17	X	
New Jersey	N.J. Stat. Ann. (West), Sec. 2A:34-23	X	
New Mexico	N.M. Stat. Ann., Sec. 40-4-7	X	
New York	N.Y. Dom. Rel. Law (McKinney), Sec. 240	X	
North Carolina	N.C. Gen. Stat., Secs. 15-3.4, 15-3.5	X	
North Dakota	N.D. Cent. Code, Sec. 15-05-24	X	
Ohio	Ohio Rev. Code Ann. (Page), Secs. 3105.21, 3109.05	X	
Oklahoma	Okla. Stat. Ann. (West), Title 12, Sec. 1277	X	
Oregon	Or. Rev. Stat., Secs. 107.105, 108.040	X	
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 23, Sec. 55	X	
Rhode Island	R.I. Gen. Laws, Sec. 15-5-3.1	X	
South Carolina	S.C. Code, Sec. 20-3-160	X	
South Dakota	S.D. Compiled Laws Ann., Sec. 30-27-19	X	
Tennessee	Tenn. Code Ann., Secs. 34-105, 36-820, 36-828		X ³
Texas	Tex. Fam. Code Ann. (Vernon), Sec. 3.55	X	
Utah	Utah Code Ann., Secs. 30-3-5, as amended by HB 188 (1979), 30-4-3		X ⁴
Vermont	Vt. Stat. Ann., Title 15, Sec. 557	X	
Virginia	Va. Code, Sec. 20-107	X	
Washington	Wash. Rev. Code Ann., Secs. 26.09.050, 16.09.090	X	

CHILD SUPPORT AND CUSTODY

STATE	STATUTORY CITATION	EQUAL PROVISIONS	WIFE BENEFIT
West Virginia	W.Va. Code, Sec. 48-2-15	X	
Wisconsin	Wis. Stat. Ann. (West), Sec. 247.24	X	
Wyoming	Wyo. Stat. Ann., Sec. 20-2-113	X	

¹ Provides maintenance to wife for care of children and seems to assume wife will have custody.

² In a divorce granted for an offense of the husband based on separation, the court may compel him to provide maintenance for the children.

³ Equal custody provision but husband required to support wife and children after decree.

⁴ Equal custody provision, but Sec. 30-4-3 provides maintenance for the wife to care for the children.

CHILD KIDNAPPING

A total of at least 31 states have enacted laws prohibiting the kidnapping of a child from the parent who has legal custody. These are not the states' general kidnapping statutes but deal more specifically with the issue of a parent without custody "stealing" a child away from the parent with lawful custody.

Jurisdictional problems arise when the parent without custody transports the child across state lines. Because of this, the National Conference of Commissioners on Uniform State Laws drafted a model law in 1968, entitled The Uniform Child Custody Jurisdiction Act (UCCJA). Twenty-four states have enacted the UCCJA and it is presently awaiting the Governor's signature in Illinois. Eight of these (including Illinois) have other statutes which also address the problem. Seven additional states have laws on child kidnapping but have not adopted the UCCJA.

The emphasis of the UCCJA is to help resolve jurisdictional questions in child custody, develop adequate enforcement procedures and provide an exchange of interstate custody information.

Two bills pending in Congress, H.R. 1290 and S. 105, entitled the "Parental Kidnaping Prevention Act of 1979," would prohibit and remedy the interstate restraint of children in violation of custody and visitation rights. Both bills are still in committee with no action planned.

The following chart lists those states which have enacted the UCCJA and those which have other child kidnapping statutes.

CHILD KIDNAPPING

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STATE	STATUTORY CITATION	UCCJA	OTHER
Alaska	Alaska Code Stat., Sec. 25.30.010 et seq.	X	
Arizona	Laws of 1978, Ch. 16	X	
California	Cal. Civ. Code, Sec. 5150 et seq.	X	
Colorado	Colo. Rev. Stat. Ann., Sec. 14-13-101 et seq. Sec. 18-3-303, 18-3-304	X	X
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 46b-90 et seq.	X	
Delaware	Del. Code Ann., Title 13, Sec. 1901 et seq.	X	
Florida	Fla. Stat. Ann. (West), Sec. 61.1302 et seq. Sec. 787.01-04	X	X
Georgia	Ga. Code Ann., Secs. 30-127, 74,107, 74-5	X	
Hawaii	Haw. Rev. Stat., Sec. 583-1 et seq.	X	
Idaho	Idaho Code, Sec. 5-1001 et seq.	X	
Illinois	Ill. Rev. Stat., Ch. 38, Sec. 10-5 HB 684 (1979)	1	X
Indiana	Ind. Code Ann. (Burns), Sec. 31-1-11.6-1 et seq.	X	
Iowa	Iowa Code Ann. (West), Sec. 598A.1 et seq.	X	
Louisiana	La. Rev. Stat., Sec. 45		X
Maryland	Md. Ann. Code, Art. 16, Sec. 184 et seq. Art. 27, Sec. 2A	X	X
Michigan	Mich. Comp. Laws Ann., Sec. 600.651 et seq. Sec. 750.350	X	X
Minnesota	Minn. Stat. Ann. (West), Sec. 518A.01 et seq. Sec. 609.26	X	X
Montana	Mont. Code Ann., Sec. 40-7-101 et seq.	X	
Nebraska	Neb. Rev. Stat., Sec. 28-418		X
New Jersey	N.J. Stat. Ann. (West), Sec. 2A:34-28 et seq.	X	
New Mexico	N.M. Stat. Ann., Sec. 30-4-4		X
New York	N.Y. Dom. Rel. Law (McKinney), Sec. 75-a, et seq.	X	
North Carolina	Laws of 1979, Ch. 110	X	
North Dakota	N.D. Cent. Code, Sec. 14-14-01 et seq. HB 1054, enacted 1979	X	X

CHILD KIDNAPPING

STATE	STATUTORY CITATION	UCCJA	OTHER
Ohio	Ohio Rev. Code Ann. (Page), Secs. 2905.01, 2905.04 Sec. 3109.21 et seq.	X	X
Oklahoma	Okla. Stat. Ann. (West), Title 21, Sec. 891		X
Oregon	Or. Rev. Stat., Sec. 109.700 et seq.	X	
Pennsylvania	Pa. Stat. Ann. (Purdon), Title 11, Sec. 2301 et seq. Title 18, Secs. 2901 to 2907	X	X
South Carolina	S.C. Code, Sec. 16-3-910		X
Utah	HB 46, enacted 1979		X
Wisconsin	Wis. Stat. Ann. (West), Sec. 822.01 et seq.	X	
Wyoming	Wyo. Stat. Ann., Sec. 20-5-101 et seq.	X	

¹HB 684 awaiting Governor's signature.

DOMESTIC VIOLENCE

Although the extent of spouse abuse is unknown, some estimates have been made based on the limited information available. One estimate is that some form of violence may have occurred at least once in 28 percent of all marriages. Another is that spouse abuse may be common in 50 to 60 percent of all adult couples living together. Still another maintains that about two million American husbands and about the same number of wives were beaten in a one-year period. At least 24 states have enacted some type of spouse abuse law, providing shelter services, the use of protective orders and/or police powers to arrest a batterer without a warrant if the abused spouse appears to be in danger.

Child abuse laws have been enacted in at least 28 states, including 19 which have instituted reporting requirements for physicians or others who are aware of any instance of child battering. Some states provide protective custody for the abused child and others allow police action for the safety of the child.

The following chart lists the types of provisions that exist in each state's spouse and child abuse statutes.

DOMESTIC VIOLENCE

Code:

- S = shelters or other programs
 P = protective orders or restraining orders, protective custody
 R = reporting requirements
 L = law enforcement powers and penalties

STATE	STATUTORY CITATION	SPOUSE ABUSE	CHILD ABUSE
Alabama	Ala. Code, Secs. 26-15-1 to 25-15-4, 26-14-1 to 26-14-3		R
Alaska	1977 Laws of Alaska, Ch. 72	S	S
Arizona	1979 Laws of Ariz., Ch. 136		L,R
California	Cal. Civ. Proc. Code, Sec. 527 Cal. Welf. & Inst. Code, Secs. 18290 to 18307	P S	
Colorado	Colo. Rev. Stat. Ann., Sec. 19-10-101		R
Connecticut	Conn. Gen. Stat. Ann. (West), Sec. 46b-38 Spec. Act #77-87 (1977)	P S	
Delaware	Del. Code Ann., Title 16, Ch. 9		R
Florida	Fla. Stat. Ann. (West), Secs. 78-281, 78-322, 901.15	S,L	R
Hawaii	Haw. Rev. Stat., Secs. 709-906, 350-1 et seq.	L	R
Idaho	Idaho Code, Sec. 18-1501		L
Iowa	Iowa Code Ann. (West), Ch. 235A.12 et seq. Laws of 1978, Ch. 1018, Sec. 25 HF 709, enacted 1979	S P	R
Kansas	Laws of 1979, Ch. 92 (HB 2619)	P	
Kentucky	Ky. Rev. Stat. Ann. (Baldwin), Secs. 199.335, 209.010, 209.020, 209.030	P,L	P
Louisiana	La. Rev. Stat., Sec. 14:403		R,P
Maryland	Md. Ann. Code, Art. 88A, Secs. 101 to 105, Art. 27, Sec. 11f.	S,L	
Massachusetts	Laws of 1977, Ch. 647, Laws of 1978, Ch. 447	S,P	
Michigan	Mich. Comp. Laws Ann., Secs. 764.15a, 28.257, 769.4a, 400.1501, 722.621	P,L,R	R
Minnesota	Minn. Stat. Ann., Sec. 241.61, 626.556	S	R
Nebraska	Neb. Rev. Stat., Sec. 42-901 et seq.	P	

DOMESTIC VIOLENCECode:

- S = shelters or other programs
 P = protective orders or restraining orders, protective custody
 R = reporting requirements
 L = law enforcement powers and penalties

STATE	STATUTORY CITATION	SPOUSE ABUSE	CHILD ABUSE
Nevada	Nev. Rev. Stat., Sec. 200.501 Laws of 1979, Ch. 452	L	R
New Hampshire	N.H. Rev. Stat. Ann., Sec. 169:37		R
New Jersey	N.J. Stat. Ann. (West), Sec. 2C:24-4		L
New Mexico	N.M. Stat. Ann., Sec. 32-1-14 to 32-1-16 Laws of 1979, Ch. 178	L	R
New York	N.Y. Crim. Proc. Law, Sec. 530.11 Fam. Ct. Act (McKinney), Sec. 1012	P	R
North Carolina	Laws of 1979, Ch. 561	P	
North Dakota	HB 1621, enacted 1979 HB 1240, enacted 1979	P	R
Ohio	Ohio Rev. Code Ann. (Page), Secs. 2151.031, 2151.421		R
Oklahoma	Okla. Stat. Ann. Supp. (West), Title 10, Sec. 1130 Title 21, Sec. 843		L L
Oregon	Laws of 1977, Chs. 845, 846	P,L,S	
Pennsylvania	Pa. Stat. Ann (Purdon), Title 35, Secs. 10181 to 10190, amended by PA 81 (1978)	P	P
South Carolina	S.C. Code, Secs. 20-7-10, 20-7-20, 20-10-10 to 10-10-190, 20-11-10 to 20-11-60		L,P
Tennessee	Tenn. Code Ann., Secs. 39-601, 39-602	L	
Texas	HB 1075, enacted 1979 SB 394, enacted 1979	S,P	L
Utah	Utah Code Ann., Sec. 78-3B-1 et seq. SB 46, enacted 1979	P,L	P,R
Vermont	Vt. Stat. Ann., Title 13, Sec. 1351		R
Washington	Wash. Rev. Code Ann., Sec. 26.44.010		R,P
West Virginia	HB 743, enacted 1979	P	P
Wisconsin	Wis. Stat. Ann. (West), Secs. 48.13, 48.345		L,P

HEALTHSPOUSAL CONSENT FOR STERILIZATION

Only three states appear to require spousal consent for sterilization operations. All three are equal, in that they require consent from either spouse for the other's surgery. Some other states mention spousal consent in their statutes without requiring it.

The following chart lists the three states which require spousal consent for sterilizations.

HEALTHSPOUSAL CONSENT FOR STERILIZATION

STATE	STATUTORY CITATION	SEX EQUAL
Georgia	Ga. Code Ann., Sec. 84-932	X
New Mexico	N.M. Stat. Ann., Sec. 24-9-1	X ¹
Virginia	Va. Code, Sec. 32-423	X ²

¹ Statute states no spouse consent needed if abandoned; it does not specifically state that it is needed at other times.

² No spouse consent required if couple is separated.

APPENDICES

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Advocates for Women (AFW)
256 Sutter Street
San Francisco, CA 94108
(415) 391-4870

Alan Guttmacher Institute
1220 19th Street, N.W.
Washington, D.C. 20036
(202) 296-4012

American Association of University
Women
2401 Virginia Avenue, N.W.
Washington, D.C. 20035
(202) 785-7700

American Woman's Association (AWA)
Time-Life Building, Suite 3909
1271 Avenue of the Americas
New York, NY 10020
(212) 541-8310
Dorothy Barko, President

Association of American Colleges
Project on the States and
Education of Women
1818 R Street, N.W.
Washington, D.C. 20009
(202) 387-1300

CATALYST (Women)
14 East 60th Street
New York, NY 10022
(212) 759-9700
Felice N. Schwartz, President

Center for A Woman's Own Name
261 Kimberly
Barrington, IL 60010
(312) 381-2113
Terri P. Tepper, President

Center for the American Woman and
Politics (CAWP)
Eagleton Institute of Politics
Rutgers University
New Brunswick, NJ 08901
(201) 828-2210
Ruth B. Mandel, Director

Center for the Transitional Person
18340 Ventura Boulevard, Suite 218
Tarzana, CA 91356
(213) 881-6760
Anita J. Goldfarb, Director

Center for Women Policy Studies
2000 P Street, N.W.
Washington, D.C. 20036
(202) 872-1770

Center for Women and Sport (CWS)
White Building
University Park, PA 16802
(814) 865-7591
Dr. Dorothy Harris, Director

Center for Women's Studies and
Services (CWSS)
908 P Street
San Diego, CA 92101
(714) 233-8984
Carol Rowell, Coordinator

Children's Defense Fund
1520 New Hampshire Avenue, N.W.
Washington, D.C.
(202) 483-1470

Clearinghouse International of the
Women's Forum (CIWF)
16 North Wabash Avenue
Chicago, IL 60602
(312) 236-5589
Dorothy L. Madsen, Executive Director

Clearinghouse on Women's Studies (CWS)
P.O. Box 334
Old Westbury, NY 11568
(516) 997-7660
Ilene Hertz, Executive Officer

Committee on the Role and Status of
Women
c/o American Educational Research
Association
1230 17th Street, N.W.
Washington, D.C. 20036

Displaced Homemakers Network
c/o Business and Professional Women's
Foundation
2012 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 293-1100
Cynthia Morano, Acting National
Coordinator

Democratic National Committee of
Women's Activities (DNCOWA)
1625 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 797-5900

E R America
1525 M Street, N.W.
Washington, D.C. 20005
(202) 833-4354

Federation of Organizations for
Professional Women
2000 P Street, N.W.
Washington, D.C. 20036
(202) 466-3547

Higher Education Resource Services
(HERS)
Cheever House, Wellesley College
Wellesley, MA 02181
(617) 235-7173
Lilli S. Hornig, Executive Director

Housewives for ERA (HERA)
Rural Route 3
Urbana, IL 61801
(217) 684-2422
Ann Follis, President

Human Rights for Women (HRW)
1128 National Press Building
Washington, D.C. 20045
(202) 737-1059

Jobs for Older Women Action Project
3102 Telegraph Avenue
Berkeley, CA 94705
(415) 849-0332
Carolyn Plant, President

National Association for Divorced
Women
200 Park Avenue, Pan Am Building
New York, NY 10017
(212) 344-8407
Louise Montaque, President

National Association for Girls and
Women in Sport (NAGWS)
1201 16th Street, N.W.
Washington, D.C. 20036
(202) 833-5540
Karen M. Johnson, Executive Secretary

National Association of Black Women
Legislators
334 State Capitol
Oklahoma City, OK 73105
(405) 521-2711
Rep. Hannah D. Atkins, Chairwoman

National Association of Commissions
for Women (NACW)
926 J Street, Room 1506
Sacramento, CA 95814
(916) 322-9466
Anita Miller, President

National Association of Women Business
Owners (NAWBO)
2920 M Street, N.W.
Washington, D.C. 20007
(202) 338-8966
Mary E. King, President

National Coalition for Women and Girls
in Education
One Airport Circle
Washington, D.C. 20036
(202) 833-4692

National Commission on Working Women
1211 Connecticut Avenue, N.W. Suite 400
Washington, d.C. 20036
(202) 466-6770

National Council of Negro Women (NCNW)
1346 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 233-2363

National Council of Women of the United
States (NCW)
345 East 46th Street
New York, NY 10017
(212) 697-1278
Hope Skillman Schary, President

National Federation of Business and
Professional Women's Clubs (NFBPWC)
2012 Massachusetts Avenue, N.W.
Washington, D.C. 20036
(202) 293-1100
Irma Finn Brosseau, Executive Director

National Federation of Republican
Women (NFRW)
310 First Street, S.E.
Washington, D.C. 20003
(202) 484-6670
Laddie F. Patricia Hutar, President

National Order of Women Legislators
(OWL)
c/o Gladys Marriott
9001 Leeds Road
Kansas City, MO 64129
(314) 751-4753
Gladys Marriott, President

National Organization for Women (NOW)
425 13th Street, N.W., Suite 1048
Washington, D.C. 20004
(202) 347-2279
Eleanor Cutri Smeal, President

National Women's Conference of the
American Ethical Union
Two West 64th Street
New York, NY 10023
(212) 874-5200
Betty Lea Brout, President

National Women's Education Fund
1532 16th Street, N.W.
Washington, D.C. 20036
(202) 462-8606

National Women's Health Network
1302 18th Street, N.W., Suite 203
Washington, D.C. 20036
(202) 223-6274
Belita Cowan, Representative

National Woman's Party (NWP)
Sewall-Belmont House
144 Constitution Avenue, N.E.
Washington, D.C. 20002
(202) 546-1210
Elizabeth L. Chittick, President

National Women's Political Caucus
1411 K Street, N.W., #1100
Washington, D.C. 20005
(202) 347-4450

NOW Task Force on Women in Sports (TFWS)
National NOW Action Center
425 13th Street, N.W., Suite 1001
Washington, D.C. 20004
(800) 424-9537
Anne M. Perry, National Coordinator

Panel of American Women
Nine Legend Lane
Houston, TX 77024
(713) 46802509
Linda K. May, Executive Officer

Planned Parenthood Federation of
America
1220 19th Street, N.W.
Washington, D.C. 20036
(202) 296-4012

Project on the Status and Education
of Women
c/o Association of American Colleges
1818 R Street, N.W.
Washington, D.C. 20009
(202) 387-1300
Bernice Sandler, Project Director

Research Center on Women
3401 South 39th Street
Milwaukee, WI 53215
(414) 671-5400
Sandra Smith Moore, Coordinator

Task Force on Women's Rights and
Responsibilities
1426 Merit Drive
El Cajon, CA 92020
(714) 447-1641
Dr. Rose Somerville, Chairperson

Union Women's Alliance to Gain Equality
(UWAGE)
P.O. Box 462
Berkeley, CA 94701
(415) 665-2813
Joyce Maupin, President

United Parents of Absconded Children
(UPAC)
Box 127-A
Cuba, NY
(716) 372-3416
William J. Ralston, National
Coordinator

Women's Action Alliance
370 Lexington Avenue
New York, NY 10017
(212) 532-8330
Ruth J. Abram, Executive Director

Women's Campaign Fund (WCF)
1521 New Hampshire Avenue, N.W.
Washington, D.C. 20036
(202) 546-3732
Ann B. Zill, Chairperson

Women's Equity Action League (WEAL)
805 15th Street, N.W., Suite 200
Washington, D.C. 20005
(202) 638-4560
Jessie Baum, Director

Women's Equity Action League Education
and Legal Defense Fund
805 15th Street, N.W.
Washington, D.C.
(202) 638-1961
Dr. Carol Parr, Executive Director

Women's Hall of Fame (WHF)
P.O. Box 335
Seneca Falls, NY 13148
(315) 568-9270
Rebecca F. Holder, President

Women's Joint Legal Committee for Equal
Rights
1207 Greycourt Avenue
Richmond, VA 23227
Nina Horton Avery, Chairperson

Women's Law Project
112 South 16th Street, Suite 1012
Philadelphia, PA 19102
(215) 564-6280
Alice M. Price, Managing Attorney

Women's Legal Defense Fund (WLDF)
1010 Vermont Avenue, N.W., Suite 210
Washington, D.C. 20005
(202) 638-1123
Judith Lichtman, Executive Director

Women's Lobby (WL)
201 Massachusetts Avenue, N.W., No. 116
Washington, D.C. 20002
(202) 547-0044
Carol Burris, President

Women's Rights Committee
c/o American Federation of Teachers
11 Dupont Circle, N.W.
Washington, D.C. 20036
(202) 797-4400
Patricia Halpin, Chairwoman

Women's Rights Project
American Civil Liberties Union
22 East 40th Street
New York, NY 10016
(212) 725-1222

Women's Rights Project Center for
Law and Social Policy
1751 N Street, N.W.
Washington, D.C. 20036
(202) 8-7-0670

Working Women United Institute (WWUI)
593 Park Avenue
New York, NY 10021
Karen Sauvigne, Program Director

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EXECUTIVE BRANCH

The White House

Special Assistant to the President Sarah Weddington 456-6585
The White House
Washington, D.C. 20500

Civil Service Commission

Federal Women's Program 632-6870
Civil Service Commission, Rm. 7540
1900 E St., N.W.
Washington, D.C. 20415

Commission on Civil Rights

Women's Rights Program Unit 254-8127
Commission on Civil Rights
1121 Vermont Ave., N.W., Rm. 410
Washington, D.C. 20425

Department of Health, Education and Welfare

Alcohol, Drug Abuse & Mental Health Admin. 496-5337
Women's Council
Bldg. 36, Rm. 1 B 10 (NIMH)
9000 Rockville Pike
Bethesda, Maryland 20014

National Advisory Council on Women's Educational Programs (DHEW) 653-5846
1832 M St., N.W., Suite 821
Washington, D.C. 20036

National Center for the Prevention and Control of Rape 443-1910
National Institute of Mental Health—DHEW
5600 Fishers Lane
Rockville, Maryland 20857

National Institute on Alcohol Abuse and Alcoholism (NIAAA)
There is no separate office for women's concerns. However, the following individuals have responsibility in the area of women and alcoholism.

Dr. Ruth Sanchez-Dirks
Special Asst. To Director, NIAAA
Rm. 14 C 24
5600 Fishers Lane
Rockville, Maryland 20857

Margaret Wilmore
Program Administrator, Spec. Projects, NIAAA
5600 Fishers Lane, Rm. 1111, Parklawn Building
Rockville, Maryland 20857

National Institute on Drug Abuse—Program for Women's Concerns 443-3693
Office of Program Development & Analysis
5600 Fishers Lane, Rm. 10 A 03
Parklaw Building
Rockville, Maryland 20857

National Institutes of Health
Women's Advisory Committee
Health Education Branch
NIH Bldg. 31, Rm. 5A10
Bethesda, Maryland 20014

Secretary's Advisory Committee on the Rights and Responsibilities of Women, Department of Health, Education and Welfare 245-6606
330 Independence Ave., S.W., Rm. 3062 North
Washington, D.C. 20201

Women's Action Program 245-6606
Department of Health, Education and Welfare
330 Independence Ave., S.A. Rm. 3059 North
Washington, D.C. 20201

Women's Program Office 245-2181
Office of Education, Dept. of Health, Education and Welfare
400 Maryland Ave., S.W., Rm. 3121
Washington, D.C. 20202

Department of Housing and Urban Development

Project on Women & Credit.
Attn: Susan Ness
Department of Housing and Urban Development
451 7th St., S.W., Rm. 8150
Washington, D.C. 20410

Women's Program Division 755-6525
Department of Housing and Urban Development
451 7th St., S.W., Rm. 3234
Washington, D.C. 20410

Department of Justice

Task Force on Sex Discrimination 739-3908
Civil Rights Division
Department of Justice
Safeway Building
521 12th St., N.W.
Washington, D.C. 20530

Department of Labor

Women's Bureau 523-6611
Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

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National Advisory Committee for Women
c/o Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210
Co-Chair: Bella Abzug
Carmen Delgado Votaw

Department of State

International Women's Programs 632-6906
Department of State
2201 C St., N.W., Rm. 1427
Washington, D.C. 20520

Office of Women & Development 632-3992
Agency for International Development
Department of State
2201 C St., N.W., Rm. 3243
Washington, D.C. 20520

National Science Foundation

Women in Science Program—Joan Callanan
Directorate for Science
Education Program Officer
National Science Foundation
1800 G St., N.W.
Washington, D.C. 20550

LEGISLATIVE BRANCH

U.S. Congress

Congressional Clearinghouse 225-2947
on Women's Rights
Karen Johnson, Executive Director
House of Representatives
722 House Annex, Bldg. #1
Washington, D.C. 20515

Congresswomen's Caucus 225-6740
Betty Dooley, Executive Director
Rayburn House Office Bldg., Rm. 2471
Washington, D.C. 20515

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