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Victim advocates want names, addresses, records offline

By Katharine Webster, Associated Press

CONCORD, N.H. — Heidi McDonald says her abusive ex-husband used the Internet to stalk and harass her after she left him.

He lurked in online chat rooms she frequented about 1980s musicians. When she posted a message, he would jump in with an obscene response that smeared her reputation, she says.

He bought dozens of magazine subscriptions and applied for credit cards online in her name. He even logged into her e-mail accounts, using her birthday and her mother's maiden name to get her passwords.

"He e-mailed people as me. He tried to mess up my friendships," said McDonald, 33, of Pittsburgh, Pa. "I lost a lot of friends because of it."

But the Internet cuts both ways. McDonald eventually used online court, property and death records to show her ex-husband was lying about his finances, she says.

When her ex- began coming to child custody hearings in brand new cars, she found an undisclosed \$261,000 from the sale of his late father's vacation home. As a result, a judge increased his child support payments.

Now he owes more than \$20,000 in unpaid child support — and she can't find him. (Nor could The Associated Press, which replicated Heidi McDonald's searches of court records.)

"For the first time, I'm not trying to hide from him. He's trying to hide from me," she said. "He's not calling the house, he's not coming by, he's not harassing the kids' schools anymore."

As part of a sweeping computer system upgrade, New Hampshire is considering how much public access to grant to electronic court records.

Here and elsewhere, privacy and victim advocates want either a ban or strict limits on electronic posting of records involving divorces, domestic violence and sex crimes.

But advocates for public access say victims already have many protections.

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In New Hampshire, sex crime victims — especially children — are commonly referred to in court records by their initials. Also, the addresses of domestic violence victims are deleted from the copies of restraining orders given to defendants and placed in public files at the courthouse.

By contrast, the civil court Web site for Montgomery County, Pa., has an "abuser index" searchable by the name of the abuser or the victim. The posted information includes the victim's address.

Maria Macaluso, executive director of the Women's Center of Montgomery County, worries victims will be afraid to use the courts. And she believes it's only a matter of time before someone uses the index to track down a victim in hiding.

"There hasn't been a case yet where someone's been killed ... but the potential for that is so real," she said.

Civil court clerk Bill Donnelly acknowledges her concerns, but says the county's judges have deemed the records public. Besides, people subject to restraining orders often are entitled to know the addresses they must avoid, he says.

"They know where the other person is to begin with," he said.

Grace Mattern, of the New Hampshire Coalition Against Domestic and Sexual Violence, thinks there could be a compromise.

She'd like access to a database that could generate statistics such as the number of domestic assault cases each year, what charges are filed, and the outcome — without identifying victims.

"I'd love to be able to get that data," she said. "We should be keeping better track of what's happening with these cases in a way that allows us to effect policy changes."

Divorce records, which are public in New Hampshire, also are contentious because they contain detailed personal and financial information.

Lucy Dalglish, of the Reporters Committee for Freedom of the Press, says divorces can be newsworthy, especially when they reveal that a public official beats his wife, has a gambling problem, or is hiding assets.

She notes that lawyers can ask judges to seal sensitive information, on paper and online.

"Allegations from Mom that Dad was involved in incest with 5-year-old Susie? In any case, you're going to go to the court and ask that that be sealed," she said.

Privacy advocates say that places a huge burden on people already under stress, many of whom don't have lawyers. In New Hampshire, nearly 70% of domestic relations cases last year involved at least one person with no lawyer.

And sealed records can be unsealed.

Court critic Theo Kamasinski is trying to unseal the divorce records of about a dozen prominent lawyers to see whether they get favorable treatment from judges.

One lawyer, David Nixon, fought him all the way to the state Supreme Court recently, arguing divorces are essentially private. He lost.

Kamasinski says the public won.

"There are an awful lot of people here in New Hampshire who don't trust the courts and don't trust lawyers. They rely on the guarantee of open courts for justice, and you can't take that away," he said.

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