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TO: Judiciary and Human Services Committees  
FROM: Erika Tindill, Executive Director  
Connecticut Coalition Against Domestic Violence

DATE: March 15, 2010

RE: *HS* House Bill 5246: An Act Concerning the Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence  
House Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence  
House Bill 5496: An Act Concerning Restraining Orders for the Protection of Family Violence Victim Advocates in the Workplace

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On behalf of the Connecticut Coalition Against Domestic Violence (CCADV) and its 18 member programs, thank you in advance for considering the following points regarding House Bills, 5246, 5497, and 5496.

- 1. Support of House Bill 5246 – *An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence.***

**Section 1** is necessary to force the Department of Social Services (DSS) to do what the legislature intended be done with marriage license surcharge funds – pass the money

directly to shelter programs providing services to victims in a timely manner. As currently written, the statute fails to specify *when* DSS must distribute the funds. Given the unambiguous legislative intent and the fact that the Department of Public Health (DPH) distributes its portion of the funds to Connecticut Sexual Assault Crisis Services (CONNSACS) without the necessity of letters to the editor, radio interviews, news stories and press conferences, that domestic violence shelters would receive these funds. We know from our experience with DSS that short of a direct mandate, each year resources will have to be devoted to negotiating the release of these funds. Member programs struggle to keep the array of shelter services in place for the families they serve even when the economy is not in recession. The retention of MLS funds by DSS to the tune of more than a million dollars is irresponsible at best given the language and intent of the statute. It should be noted that, to date, not all of CCADV member programs have received their portion of the funds some 11 months after the discovery that DSS had failed to distribute a penny of these funds in the previous two fiscal years. Even once each member receives its portion, the Department still retains a minimum of \$200,000 (20% of the total retained) intended for shelter services. This is unacceptable and should not be tolerated by those who have the power to do something about it.

- **Section 2:** This language is particularly helpful to the victim who must relocate quickly and safely and allows them to keep necessary funds to accomplish this. Opponents of this section may counter that tenants will take advantage of this law to get out of a lease. For that to be the case, the tenant would have to be willing to expose him or herself – falsely - as a victim of domestic violence. Given the stigma of being a victim and the shame associated with coming forward, it is highly unlikely that we will see a

groundswell of tenants falsely claiming to be victims in order to get out of a rental agreement. Further, the statute requires documentation that is either easily verified, or that requires a professional to risk her/his reputation and livelihood in order to vouch for the tenant. There are landlords who work with victim tenants who seek their understanding of their dire situation, but far too many are unwilling to do so. The section also allows a tenant to defer one month's rent for up to six months. Lack of financial resources is the number two reason (fear is number one) why victims are not capable of escaping a violent and toxic relationship. This section potentially provides life-saving housing assistance to victims of domestic violence.

2. **Support for House Bill 5497 – *An Act Concerning the Recommendations of the Speaker of The House Of Representatives' Task Force On Domestic Violence.***
  - Under Section 14, subsection (h), CCADV proposes the following language to provide an employee with a course of civil action if an employer violates subsection (d) of this section: **If an employer discharges, penalizes or threatens or otherwise coerces an employee because the employee exercises his or her rights under subsection (d) of this section, the employee, not later than two years from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.**
3. **Opposition to House Bill 5496 - *An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace.***

We assume the intent of the bill is to provide some measure of protection for both domestic violence victim and their employer (and presumably, co-workers). Domestic violence advocates know from experience that employers and workplace support of victims is part of the solution. However, there are a number of insurmountable problems with this bill that raise some concerns. How do employers have standing (i.e a legally sufficient personal interest in the dispute *and* be injured in fact by the abuser's conduct) in a civil restraining order hearing? If a large corporation such as The Hartford or Sikorsky Aircraft seek to file for a Restraining Order, who files pleadings on behalf of the company? The victim's immediate supervisor? Someone from the Human Resources department of the company? Must it be the same company representative that appears in court? Would a victim (or their estate) have a cause of action against an employer who fails to obtain a restraining order due to negligence or failure to believe a victim or failure to act on the victim's behalf? What about a co-worker injured or killed due to the actions of the abuser where the employer failed to obtain an order under this statute? There is also the due process issue of appropriate notice to the respondent abuser regarding exactly what area of the employer's property is prohibited. Further, the statute is silent as to what is expected when both victim employee and respondent abuser work for the same employer.

Passing the employment protections outlined in House Bill 5497 (*An Act Concerning the Recommendations of the Speaker of the House Of Representatives' Task Force On Domestic Violence*) – time off from work to relocate, attend court proceedings, seek counseling, or heal from wounds – affords victims the support they need in order to

effectively plan for their safety while protecting the legal rights of respondents. This bill falls short on many levels and CCADV encourages the committee to take no action on it.

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CCADV can provide additional information regarding the effect and likely consequences of these bills should the committees so require.