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JUDICIAL BRANCH**

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**Testimony of Deborah J. Fuller
Judiciary Committee Public Hearing
April 15, 2013**

H.B. 6702, An Act Concerning Domestic Violence and Sexual Assault

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee, thank you for the opportunity to submit written testimony, on behalf of the Judicial Branch, on **H.B. 6702, *An Act Concerning Domestic Violence and Sexual Assault***. The Judicial Branch has concerns with four sections of this bill, as follows:

Section 1. This section would add financial orders to those that may be entered by a judge when signing a restraining order. While we understand the reasons for this proposal, it presents a serious resource issue for the Judicial Branch because it adds an entirely new type of information that will have to be assessed by the court when a restraining order is considered. This would impact the court both at the time that an application for an ex parte restraining order is sought, when the respondent is not present and no financial information is available, and at the 14-day hearing on whether the ex parte order should be continued. We also anticipate that since financial issues will be at stake, this will have the effect of increasing the number of contested hearings before the court, resulting in the need for additional judges and Branch personnel to staff the courtrooms.

The court will have to find an ability to pay -- or not-if the court declines the relief requested -- based upon very little information. How will a judge discharge this responsibility? It will require Family Services staff to do the initial work, and then a hearing to explore the finances as the applicant understands them. At that same hearing the court will need to find that funds are necessary for the safety or maintenance of the applicant. This will mean the preparation of a financial affidavit, and likely the completion of a Child Support Guidelines worksheet, all based on incomplete information. It will then be part of the court hearing.

This additional work simply cannot be accomplished under the current staffing level of Family Judges, who are already stretched to their maximum capacity, or the current level of Family Services staffing. The unintended consequences will be the interruption of other hearings and trials (since the application must be acted on as it comes into the court), putting other families in a disadvantaged place, unless we start having dedicated courtrooms for this at considerable cost. Delays for many and costs will be incurred.

By way of estimating the impact of this requirement: Approximately 2,600 ex-parte applications were granted in 2012 that involved spouses and parents with children in common. In addition, Family Relations Counselors conduct 4,000 Restraining Order conferences per year. There is no way to precisely determine how many of those would involve spousal support and/or child support and other financial considerations discussions, but we can estimate (based on the number of granted ex-parte applications) that it would be at least half, or 2,000, annually.

In conclusion, we oppose this section of the bill and ask that it be stricken from any language that the Committee may approve.

Section 17. This section would require the Chief Court Administrator to provide in each courthouse where family matters or family violence matters are heard, a secure conference room separate from the respondent and from the office of the state's attorney, for victims of family violence crimes and family violence advocates. This too may be a laudable goal, but it is simply not achievable within all of our current facilities, where space is at a premium. It would severely strain our almost non-existent space resources. The older courthouses do not have the physical space to provide a separate conference room or, since there can be a number of victims of family violence in court on the same day, several rooms. The Judicial Branch has been working on this issue for some time, and we will continue to do our best to accommodate the needs of everyone who works in or visits our courts, but must oppose a legislative mandate that is impossible to achieve at this time.

Section 20. This section would require the Chief Court Administrator to assess the effectiveness of the pretrial family violence education (FVEP), EVOLVE and Explore programs, particularly in light of the findings from the Pew MacArthur Results First Initiative's cost-benefit analysis model with respect to such programs. This must be finished by November 30, 2013. It would also require the Chief Court Administrator to report to the joint standing committees of the General Assembly that describes the assessment, identifies changes made due to the

assessment, and makes recommendation needing statutory or program changes to improve cost effectiveness, by December 31, 2013.

To begin with, we would like to point out that, pursuant to a legislative mandate passed less than two years ago (sec. 20 of P.A. 11-152), these programs were just evaluated utilizing RBA measurements, and the report on this evaluation was submitted to the Legislature in February 2012. This assessment demonstrated the effectiveness of the programs in decreasing recidivism.

The Judicial Branch is well aware of the Pew-MacArthur cost benefit analysis as part of its Results First Initiative, as we have been involved in Results First since it began working with Connecticut. A representative of the Judicial Branch Court Support Services Division serves on Connecticut's Results First working group and has detailed knowledge of the cost-benefit analysis of domestic violence programs. The cost benefit analysis produced the following articulation: "Despite the narrow, but non-statistically significant differences in their effectiveness, the authors of meta-analyses of DVPT programs generally argue for policymakers to maintain batterer treatment programs while exploring alternatives (Babcock, et al., 2004; Corvo, et al., 2008; Eckhardt, et al., 2006; Feder & Wilson, 2005; Stover, et al., 2009). **"There is, however, very limited evidence of other approaches that appear to be effective or hold promise for reducing recidivism."** Since Connecticut's programs have demonstrated effectiveness in decreasing recidivism, it would appear they represent current best-practice in the field.

In addition, the 11/30/2013 deadline to complete the effectiveness evaluation does not allow for sufficient time to conduct a full-scale evaluation of the program using the Pew-MacArthur Results First Initiative method. Because the scope of the assessment includes all DV programming, it will require at least three separate evaluation reports, and possibly five. In-depth evaluations of this nature must include statistically matched comparison groups and require significantly more than six months to complete. Moreover, given the complexity of the Results First methodology, there will likely be a significant cost associated with the evaluation. Previous evaluation projects procured by the Judicial Branch have required funding at a minimum of \$60,000 to over \$100,000. The Judicial Branch may be required to enter into an agreement with a local university for such project or subject the project to the competitive bidding process.

In conclusion, the Judicial Branch could not comply with this requirement unless it was provided with the funding necessary for these comprehensive studies.

Section 21. The Judicial Branch is opposed to this section, which would require the Chief Court Administrator to conduct an assessment of any training program for judges and Judicial Branch staff related to family violence. It further requires that, at a minimum, the assessment compare such training programs to those of other northeastern states. The legislatively-mandated study noted above also required a comparison to other northeastern states, and our experience in conducting that comparison showed how unproductive such comparisons are. Most states have county-based court systems and do not have systemic statewide oversight or consistent expectations. How does one compare training programs? What is the baseline to determine adequate training? We can assure the Committee that we are constantly assessing and evaluating our training programs to ensure that they are as effective as they can be, and that the level of training that we provide is a source of great pride to the Branch.

In conclusion, I would urge the Committee not to approve these sections of the bill. Thank you for your consideration.