

## **Testimony in Support of**

### **HB 5593, AAC Domestic Violence and Sexual Assault**

#### **Judiciary Committee**

**March 31, 2014**

My name is Courtney Battles and I am an Adult Advocate with New Horizons Domestic Violence Services in Middletown. As an Adult Advocate, I have seen the lack of assistance and support in civil matters for victims of domestic violence who are seeking restraining orders. We have had the expertise of Robinson and Cole every other Monday at the court; however this support does not fulfill a fraction of the need.

We have had numerous clients that would benefit from the assistance of a Civil court Advocate.

A victim had concerns that there was no order of protection in place for her safety while her abuser was incarcerated. He had started sending her letters threatening to file motions in the civil court to take custody from her. Before his harassment could escalate, she immediately came to the office and worked with the advocate on an application for a restraining order. At the hearing, the restraining order was granted and the abuser was told not to have any contact with the victim. However, he found other means to continue his harassment. He would file false motions to have the restraining order or custody of their children modified. However, the Advocate did not have the experience or capacity to assist her at the level she needed. The experience was very upsetting to the victim because these motions forced her back to court. This interfered with her employment and took an emotional toll as well. She felt victimized all over again. Unfortunately, this was an instance where the Adult Advocate was not able to work with the client or advocate on her behalf. The Adult Advocate works with clients in shelter, in the community, as well as assisting in the criminal court. However, this position is not dedicated solely to helping victims with civil proceedings. She would have benefitted from having an advocate in the civil court that could voice her concerns and assist her through the process.

Another client filed for a restraining order on the day her husband was arrested. She did not recognize his belligerent behavior and feared that something may happen prior to the next day's criminal arraignment. The restraining order was granted and a criminal protective order was issued the next day. As the case was pending, the abuser received treatment for mental health but the abuser's health deteriorated greatly. The victim sought modifications to the orders so she could see him. Although the Adult Advocate was able to advocate on her behalf to have the criminal protective order modified, the victim had to file motions to have the restraining order vacated on her own.

Many victims come to the Family Violence Victim Advocate's office looking for assistance in filling out restraining order applications, particularly affidavits. With only one full time Victim Advocate in the courthouse, who is funded solely for criminal court, they often cannot get the help they are looking for. The Victim Advocate makes every effort to find time to go through the application with victims and give an overview of the restraining order process. However, no one is available to walk them through the process.

As a facilitator of the community support group, I have heard first hand from my clients how challenging the restraining order process can be.

One support group client always referred back to the emotional toll that leaving her abusive boyfriend took on her. Applying for the restraining order was terrifying for her because she didn't know how he might react. Keeping in mind that the most dangerous time for a victim of domestic violence is when they leave, her fears were legitimate. The experience would likely have been a little easier if she had the support of a civil advocate, who was trained in domestic violence counseling and could provide safety planning and emotional support.

Several clients have expressed how nerve wracking attending the hearing for restraining orders can be. A client reported how it felt to stand there and listen to their abuser lie and make excuses to the judge about their behavior. Because he had been abused for so many years, it was difficult for him to speak up and defend himself. If a civil advocate were available, this client would have known what to expect in a hearing and provide emotional support and additional safety planning on the day of the hearing.

Some clients don't realize that violating a civil restraining order is criminal. I have worked with numerous clients who did not fully understand what their restraining order states or the rights they have if an order is being violated. This is a key element to a safety plan that is lacking without the presence of a civil advocate.

One client was approaching the expiration date of his restraining order. At first, he was unsure whether or not he would request to have the restraining order extended. This was an important opportunity to safety plan. He received notification from the court it was going to expire but needed help understanding what he needed to do. In the end, he decided not to have it extended and created a safety plan for himself based on that decision. This is an important choice for victims of domestic violence because it will change the safety plan they need.

Filing for a restraining order is often the first step for many victims of domestic violence in regaining their independence. As a result of the abuse they have endured, they have low self esteem; have been isolated and broken down. It has been a long time since they put themselves first and acted in their own best interest. They are likely already emotionally drained. Although they may know that the restraining order is needed for their safety and wellbeing, and that of their children, it is a very difficult and scary choice. Currently, the emotional support is not available to victims in the courthouse. Legal proceedings can be daunting. She may not believe that she is capable of applying for a restraining order or representing a hearing alone. The expectation that people can navigate this process on their own is not realistic. The expectation that they should just hire an attorney is not realistic. If an individual has been financially controlled by their abuser, this will not be an option. Pro bono attorneys are few and far between. These victims need guidance if they are to have the best chance of successfully leaving their abusive partner. No one would ever be advised to navigate and represent themselves in a criminal case. Therefore, it does not make any sense to ask an individual to go through civil proceedings on their own. A civil advocate could guide a victim through the process and provide safety planning to ensure that she knows how to keep herself safe.

Leaving an abusive relationship can be terrifying for a victim because there are so many unknowns: where to go, who to lean on for support, how they will support themselves financially, among many other considerations. By funding civil advocates in each court, we can remove an unknown for victims. The civil restraining order process can be such a mystery for someone who has never been through the process. A civil advocate would provide the emotional support needed as a victim makes that choice and works their way through the process.