



Connecticut Coalition Against Domestic Violence

### Testimony Regarding

### SB 31, AAC Continued Delivery of Legal Services to the Poor

### SB 389, AAC Court Operations

### Judiciary Committee

March 10, 2014

#### Member Organizations

The Umbrella Center for Domestic Violence Services  
Ansonia, CT

The Center for Family Justice  
Bridgeport, CT

Women's Center  
Danbury, CT

Domestic Violence Program  
United Services  
Dayville, CT

Network Against Domestic Abuse  
Enfield, CT

Domestic Abuse Services  
Greenwich YWCA  
Greenwich, CT

Interval House  
Hartford, CT

Meriden-Wallingford Chrysalis  
Meriden, CT

New Horizons  
Middletown, CT

Prudence Crandall Center  
New Britain, CT

The Umbrella Center for Domestic Violence Services  
New Haven, CT

Safe Futures  
New London, CT

Domestic Violence Crisis Center  
Norwalk, CT

Women's Support Services  
Sharon, CT

Domestic Violence Crisis Center  
Stamford, CT

Susan B. Anthony Project  
Torrington, CT

Safe Haven  
Waterbury, CT

Domestic Violence Program  
United Services  
Willimantic, CT

Good morning Senator Coleman, Representative Fox and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those agencies that serve them. Our members provide essential services to over 56,000 victims of domestic violence, which includes victims of teen dating violence. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

#### We urge OPPOSITION of SB 389, Sections 5 and 7.

**Section 5** of Senate Bill 389 will severely limit access for domestic violence victims seeking civil restraining orders under CGS § 46b-15. The language proposes altering the statute in such a way that courts will no longer be required to hold hearings on all restraining order applications.

While we understand the high demand being experienced for a variety of matters in civil court, a busy court is not a reason to limit access to vital protections for victims of abuse. Currently, judges must order hearings on all restraining order applications, including those that have been denied based on the information contained in the affidavit. While that may sound logical, unfortunately many victims who seek restraining orders come to the court pro se and may have limited understanding of the process or requirements for seeking such an order.

Judicial has estimated that approximately 80% of litigants in family court are pro se, which has been an ongoing frustration for the court. Victims who do not have the assistance of either a domestic violence advocate, legal aid attorney or private attorney often struggle to adequately explain their situation on the one page affidavit that accompanies the application. This is particularly true of victims experiencing stalking or a "pattern of threatening," two elements of domestic violence that are often complicated to both recognize and explain.

Even though a judge may not be wrong in denying an application based on the content in the affidavit, giving the victim the opportunity to better explain her or himself and answering questions posed by the judge has led to a reversal of the judge's decision in the past. Once at a hearing, a judge will ask the questions necessary to determine if the victim meets the statutory requirements and often finds additional elements of abuse not expressed in the affidavit. This is essential to ensuring that all victims, including those who are less articulate or knowledgeable about the judicial system, have equal access to protections afforded under the law.

It is also important to note that evidence has shown that the time during which a victim is leaving an abusive relationship is one of the most dangerous. If a victim is seeking a restraining order, than she or he is probably thinking about leaving. It is critical that the court be responsive to this fact and ensure that all victims have sufficient access to restraining orders.

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Connecticut has worked diligently to improve its response to victims of domestic violence. Changing our progressive system for protecting victims into one that will quickly and easily silence them is not supportive of those efforts. It takes a substantial amount of courage for a victim to reach out to the court for help and the court should continue to strive to be seen as a source of support and security. Denying victims the opportunity to speak with a judge will almost certainly result in victims feeling that the court is not a viable source of protection.

**Section 7** of the bill adds language to CGS § 53a-223b regarding criminal violation of a restraining order. The bill proposes specifying that respondents of a restraining order cannot be found in violation if they are sending legal documents to the protected person through the mail or a third party. We think this language is unnecessary and such contact should continue being addressed at the time the restraining order is issued.

It is our experience that most judges who issue no-contact orders will specify that the respondent is allowed to send legal documents related to separation, divorce, child custody, etc. Allowing judges to clearly state in no-contact restraining orders how and when the respondent may communicate with the protected person is the most efficient way to ensure the safety of the protected person while still ensuring that the court does not get bogged down with frivolous claims of violations.

We are also concerned that "third party" is not defined. Domestic violence is a pattern of control, coercion and manipulation. While there is nothing that legally keeps the family and friends of an offender away, we are concerned that adding this language gives domestic violence offenders the ability to use family and friends to continue to intimidate a victim.

**We urge SUPPORT of SB 31.**

Senate Bill 31 will help ensure that funding is available for essential legal services throughout Connecticut. It eliminates the sunset provision originally put in place in 2012 when the Legislature, Governor and Judicial Branch sought to increase court filing fees in an effort to provide funding for these services. Additionally, the bill moves some of the court fee revenue from the Judicial Branch technology fund to legal aid funding.

Legal aid lawyers provide legal assistance to over 10,000 people each year, helping them meet their basic needs. One of those basic needs is protection from abuse. Domestic violence victims in Connecticut can seek restraining orders through our civil courts, but unfortunately, because Connecticut does not fund family violence victim advocates in civil courts, many victims are left to face that system on their own. For many low-income victims that do not get connected to their local domestic violence organization, legal aid attorneys fill a critical gap in the system.

Victims that meet legal aid requirements are able to get assistance with filing applications for restraining orders, which often means the difference between successfully getting the order and having the order denied. As discussed above, many victims have a difficult time adequately explaining the abuse they are facing at home and also lack an understanding of how the judicial system works. Legal aid attorneys assist victims with completing the required affidavit and help them present their case to the judge in the most accurate and compelling manner.

Assistance with restraining orders is just one example of the important role that legal aid attorneys play in helping victims of domestic violence. They also assist many immigrant victims who suffer violence and often have their immigration status used as a method of control and further abuse. Assistance with U and T Visas is paramount to the safety of these victims.

Legal aid attorneys provide a critical service to vulnerable individuals in Connecticut, including victims of domestic violence. We strongly encourage your support of the Governor's proposal to ensure that there is funding to meet the high demand that the legal aid system faces. Failure to do so would result in the loss of at least 35 legal aid staff and 3,750 fewer low-income people will be assisted with their legal needs.

Please do not hesitate to contact me with any questions or concerns.

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