



Connecticut Coalition Against Domestic Violence

Testimony in Support of

SB 462, AAC Civil Restraining and Protective Orders

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

Judiciary Committee March 17, 2014

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 Support of SB 462.

Section 1

Section 1 of this bill would add language to the state's civil restraining order statute (§ 46b-15) giving judges the ability to grant financial orders as part of the restraining order process. In addition to existing restraints that a judge may order as part of a restraining order, including ordering the respondent not to restrain the victim, stalk or threaten the victim, enter the family dwelling, etc. it adds the possibility of a judge ordering the respondent to provide temporary financial assistance to the applicant for a period of up to 120 days. This would only be in cases where the respondent has the legal duty to support the applicant and the ability to pay, and if it is necessary for the safety or to maintain the basic needs of the applicant or the respondent's children.

This bill language will also give judge's the ability to prevent the respondent from disposing, encumbering or transferring specified personal property, such as a joint banking account. One of the first things that domestic violence offenders often do when they realize their partner is leaving them is to drain the joint bank account in an effort to continue to make the victim dependent on them and unable to leave. Termination of utility service will also be prohibited, something that many offenders do in retaliation.

According to the American Bar Association, **36 states have incorporated some form of temporary child and spousal support in the restraining order process.** This includes the surrounding states of **Maine, Massachusetts, New Hampshire, New Jersey, and Vermont.**

These additions to our restraining order statute are critical to fully provide for the safety of domestic violence victims and their children. While many people associate domestic violence with physical abuse, it is a pattern of controlling and coercive behavior that can take many forms, including emotional, psychological, physical, sexual, and financial.

According to the National Network to End Domestic Violence, research indicates that financial abuse is experienced in 98% of abusive relationships. The U.S. Department of Justice defines financial or economic abuse as "making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment." The victim is made to be entirely dependent on their abuser with little or no ability to financially care for themselves or their children. They are often faced with

the agonizing decision of staying and dealing with the abuse or leaving and facing possible poverty and homelessness.

The immediate days following a victim's decision to leave are often the most difficult, especially when their decision to leave results in homelessness and/or poverty. By providing temporary but immediate financial relief through the civil restraining order process, victims will have access to resources that can help keep them safe and keep them away from their abuser. Furthermore, it will give them the time they need to begin the process of obtaining permanent orders of support through the available legal channels.

Eliminating what is perceived as the immediate threat of violence is only part of the equation. Ensuring that a victim is given financial protections is as critical a part of providing that person with safety as removing the physically abusive partner from the home. Without this protection, a victim is likely to face the continued threat of violence either as a result of homelessness or because s/he returns to the abuser due to financial constraints.

The language in the bill clearly states that the financial support provided in subdivision (3) of subsection (b) will not be available ex parte, but only at the time that a hearing is held on the restraining order application. Also, it is our intent that any violation of the financial order piece of the restraining order would be considered contempt of court and would not be deemed a criminal violation of a restraining order (C.G.S. § 53a-223b).

It is important to note that the Judicial Branch recently surveyed other states that have this type of relief available as to whether there was a fiscal impact to the system. Of the 11 states (Alaska, California, Delaware, Georgia, Indiana, Louisiana, Minnesota, Ohio, Oregon, South Carolina, West Virginia) that responded, 45%-55% of the states indicated neither a fiscal impact, a change in the way cases are handled nor additional burdens on the system. A significant amount of the remaining responses indicated that financial relief had been available for so long that there was no way for the court to look back and determine whether or not there had been an impact when it was established.

It is never acceptable to ask victims to choose between their safety and economic survival. The two cannot be separated; they are intertwined. Immediate financial protection could mean the difference between staying and leaving. Just as 36 other states do, Connecticut's civil restraining order process can and should provide this level of protection.

Section 3

Section 3 of the bill calls for a task force to study the service of restraining orders issued pursuant to CGS § 46b-15 for victims of domestic violence. The current system of serving restraining orders is complicated and cumbersome for many victims, particularly those who do not have the benefit of working with a domestic violence advocate, legal aid attorney or private attorney. Issues raised in various locations have included the different jurisdictions and the systems in place for contacting marshals to serve orders. Differing processes in the jurisdictions and the lack of communication between them often creates additional barriers for victims to negotiate or can slow down the process of service especially if the order is issued in one jurisdiction and needs to be served in another.

There are also challenges for State Marshals who have the responsibility of effectuating service. Marshals may receive limited or even inaccurate information about the respondent that they need to locate and safely and successfully serve the order. This can slow down or even negate the ability of the marshal to effectuate service. The reimbursement structure for service is also poses challenges to the system.

Restraining orders are a critical piece of victim safety and when orders cannot be properly served, it puts a burden on the victim to go back to the court to file a new application. Not only does this result in an unacceptable gap in safety, but it also leaves many victims feeling as though the judicial system is not a viable source of protection.

The task force proposed in this bill will be able to provide a thoughtful and in-depth examination of the various strengths and challenges of our current service system and make recommendations for improvements that will benefit both victims and those who must serve and enforce these orders.

Section 2, 4-10

The remaining sections of this bill seek to strengthen penalties for individuals that choose to violate civil restraining orders and criminal protective orders. Violations of restraining and protective orders are serious offenses and should be penalized as such. If an abusive individual has become the respondent or subject of a restraining or protective order and is willing to violate the rules set by the court, then there is a very real possibility that their abusive or violent behavior will escalate.

Research has demonstrated several risk factors that, when present in an abusive relationship, often indicate a likelihood of increased violence that could turn fatal. These risk factors include using or threatening to use a weapon against the victim; threatening to kill the victim; strangulation or attempted strangulation; and an increase in frequency and severity of physical violence.

Increasing penalties for violations that include physical restraint, assault, threatening and harassment makes sense. Connecticut must send a strong message about the seriousness of this type of criminal behavior and that it will not be tolerated.

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

Liza Andrews
Communications & Public Policy Specialist
CCADV
(860) 282-7899
landrews@ctcadv.org