GARVIN G. AMBROSE, ESQ.
State Victim Advocate

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
Submitted to the Judiciary Committee
Monday, March 10, 2014

Good day Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised Senate Bill No. 389, *An Act Concerning Court Operations*

The Office of the Victim Advocate (OVA) must **oppose** Section 5 of Raised Senate Bill No. 389 as it ostensibly will create a burden on the applicant of a restraining order. Many times, victims of domestic violence will seek relief from abuse through the application of a restraining order. However, in doing so, the victim/applicant may not necessarily understand or have the ability to communicate their fear of harm through the written words in an affidavit. Often, victims will be instructed, by law enforcement or the Department of Children and Families, for example, to obtain a restraining order without having full knowledge of how to do it, where to go, or what to say.

Currently, in review of an applicant's application and affidavit, the court may (1) enter an ex-parte order and schedule a hearing; (2) schedule a hearing only; or (3) deny the application outright. As the court already has the ability and authority to deny an application without having a hearing, Section 5 of Raised Senate Bill No. 389 will only serve to discriminate against those applicants that may have difficulty expressing fear on paper. I strongly urge the Committee to **reject** Section 5 of the proposal—a proposal that has the unintended result of leaving some victims unprotected by our judicial system.

The OVA must also strongly **oppose** Section 7 of Raised Senate Bill No. 389. However, the OVA would like to offer a reasonable solution to resolve the issue that Section 7 attempts to address. As proposed, the most cunning of domestic violence offenders will use this "loophole" to circumvent the order and continue to threaten, harass and intimidate their victim. If passed, this provision will actually be a setback, and not a step forward, in protecting victims against abuse. Rather than carve out a blanket exception that will likely be intentionally misused and exploited by some respondents, the restraining order itself should be modified to include a provision that the court can address at the time of the order's issuance, such as:

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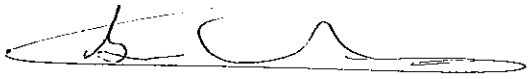
"If required by law, the respondent may provide for the service of legal documents by mail or third party to the applicant."

For the above-stated reasons, the OVA urges the Committee to **reject** Section 7 of Raised Senate Bill No. 389.

Finally, Section 12 of the proposal seeks to repeal C.G.S. § 54-102. The intent, I believe, according to the *Statement of Purpose*, is to repeal the Wrongful Conviction Commission, which is **C.G.S. § 54-102pp**.

Thank you for the opportunity to provide testimony concerning Raised Senate Bill No. 389. As stated, the OVA dutifully **opposes** Sections 5 and 7 and urges the Committee's rejection of those sections as currently proposed.

With gratitude,



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