



Testimony in Support of
SB 650, AAC Temporary Restraining Orders
HB 6848, AA Protecting Victims of Domestic Violence

Judiciary Committee
March 11, 2015

Good morning Senator Coleman, Representative Tong, Representative Rebimbas and members of the committee. Safe Haven of Greater Waterbury, Inc. ("Safe Haven") is a dual agency serving victims of domestic violence and sexual assault in the following ten communities: Bethlehem, Cheshire, Middlebury, Naugatuck, Prospect, Southbury, Waterbury, Watertown, Wolcott and Woodbury. Our services include crisis intervention, safety planning, emergency shelter, individual and per group counseling, advocacy for benefits and housing along with information and referrals. Last year Safe Haven provided almost 7,500 crisis and individual counseling sessions for our clients. Almost 2,200 clients were handled through our Family Violence Victim Advocate program at the Waterbury Superior Court.

We urge your support of Senate Bill 650 and House Bill 6848.

SB 650

The first part of this bill relates to changes to service of restraining orders under CGS § 46b-15 (family violence restraining orders). Currently only state marshals are authorized to serve any type of restraining order. This bill proposes that law enforcement be required to serve temporary, ex parte restraining orders when the applicant (victim) indicates on the restraining order application that the respondent (offender) has firearms or ammunition.

The recommendations in this bill are the result of the legislative Task Force to Study Service of Restraining Orders. This task force included a comprehensive set of stakeholders including domestic violence advocates, state marshals, law enforcement, attorneys (including a prosecutor, a public defender and a legal aid attorney), a family court judge and court operations personnel. The task force completed its work in January of this year and concluded that it would be appropriate that law enforcement be required to serve such orders as this can be a particularly dangerous time for the victim. Including law enforcement in this process will enhance the safety of all involved.

Currently 33 states (including neighboring states of Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont) authorize law enforcement or, where applicable, county sheriffs, to serve temporary restraining orders. State marshals face many challenges when serving restraining orders, including dealing with respondents who are aware that the victim has applied for an order and then actively avoids being served. Under the current system, if service cannot be successfully made 5 days prior to the hearing and the respondent does not show up for the hearing, the ex parte order is dropped and the victim must reapply for the restraining order, often leaving the victim with the feeling that the system simply cannot help.

In fiscal year 2013, there were only 628 ex parte orders issued statewide that included allegations of firearms and only 568 instances in fiscal year 2014. For our 10 town catchment area there were only 42 orders in fiscal year 2013 and 32 orders in fiscal year 2014 with firearm allegations. This demonstrates that requiring law enforcement to serve these orders with allegations of firearms will neither create a large burden on our police departments, nor significantly impact the livelihood of the state marshals who would no longer serve such orders.

This bill also proposes that the court be allowed to extend the temporary, ex parte order if the applicant is present at the two week hearing but the order has not yet been served. Allowing the court to extend this temporary protection so that service can be reattempted is a fix that will help the victims ensure that the system is responsive to them at a time when they are experiencing significant trauma. Currently 22 states allow for extensions of temporary restraining orders if service is not made prior to the hearing.

Just last week our advocate went to court with her client for a hearing, but the hearing was cancelled as the marshals were unable to serve the respondent. As stated above, under the current rules, the victim was forced to reapply for the temporary restraining order. This bill also calls for more family violence victim advocates for the family courts who do not currently have one. Waterbury, along with Bridgeport, Hartford and Meriden are fortunate enough to currently have funding for a Family Violence Victim Advocate in family court. The other 12 family courts in the state do not have such advocates. The funding for this position in Waterbury just began this year, but we have already seen a positive impact on our clients. As mentioned above, our advocate was able to go to court with the client for support and then help her fill out another application for an order when the hearing was cancelled. In addition to providing support, the advocate is able to explain the court process as well as help to establish a safety plan, a critical piece to making a restraining order effective.

This bill also proposes broadening the methods by which respondents may be given legal notice of ex parte restraining orders. As mentioned earlier, service can be a challenge when respondents find out about the order and do not want to be found. In these instances an authorized service agent may opt to leave the order abode (at the place of residence but not in the hand of the respondent). When such an order is then violated, the state's attorney may not be able to prosecute for the violation because notice of the order may not be able to be proven. Massachusetts law enforcement officers are permitted by statute to verbally inform or notify the respondent that they have an ex parte restraining order against them, at which point the order becomes enforceable.

The final piece of this bill proposes that the court be allowed to remove firearms, ammunition and gun permits or eligibility certificates during ex parte restraining orders. If a judge grants a temporary, ex parte, restraining order, then the judge believes that the victim faces "immediate and present physical danger". If the judge believes that this danger is immediate and present, then it only makes sense that the firearms and/or ammunition be removed to reduce the risk to the victim. The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship. Because domestic violence is all about power and control of one partner over the other, this can be a particularly difficult time for the abuser, who will begin to realize that he or she is losing control over their victim. This may result in the offender taking more extreme actions to regain control.

This would be a temporary, two week removal of the firearms and ammunition during the period before the hearing. If at the two week hearing the judge does not grant a full, one year restraining order, the respondent would have their firearms and ammunition returned. If the order is granted, the current law prohibits the respondent from possessing firearms or ammunition.

Connecticut averaged 14 intimate partner homicides annually between 2000 and 2012. Guns were the most commonly used (39%) weapon. State laws prohibiting firearm possession by persons subject to restraining orders reduced the rates of intimate partner homicide of women by 12-13% and overall by 10%. As many of the proponents of this bill have stated, it is relatively easy to return a gun after two weeks, but a bullet cannot be unfired.

Thank you Senator Looney and all of the bill's co-sponsors for their efforts to support and protect victims of domestic violence.

HB 6848

The first part of this bill proposes removing the requirement for a hearing to have occurred for individuals to become ineligible to possess firearms and ammunition when they are the subject of a restraining order, meaning that anyone who is the subject of an ex parte restraining order prior to the hearing would be ineligible to possess firearms or ammunition.

The current law (CGS § 53a-217) prohibits anyone who is subject of a one year restraining order from possessing firearms or ammunition following notice of said order and a chance to be heard. This bill proposes amending that

statute to remove the requirement of a hearing, effectively meaning that those individuals subject to the ex parte orders would also be ineligible to possess firearms or ammunition.

If a judge grants a temporary, ex parte, restraining order, then the judge believes that the victim faces "immediate and present physical danger". If the judge believes that this danger is immediate and present, then it only makes sense that the firearms and/or ammunition be removed to reduce the risk to the victim. The most dangerous time for a victim of domestic violence is when she or he takes steps to end the relationship. Because domestic violence is all about power and control of one partner over the other, this can be a particularly difficult time for the abuser, who will begin to realize that he or she is losing control over their victim. This may result in the offender taking more extreme actions to regain control.

This would be a temporary, two week removal of the firearms and ammunition during the period before the hearing. If at the two week hearing the judge does not grant a full, one year restraining order, the respondent would have their firearms and ammunition returned. If the order is granted, the current law prohibits the respondent from possessing firearms or ammunition.

This bill also proposes reducing the amount of time to surrender or transfer firearms and ammunition for someone who has become ineligible because they are the subject of a civil restraining order or a criminal protective order from 2 business days to 24 hours. Again increasing protection for victims of domestic violence at the most dangerous time.

Connecticut averaged 14 intimate partner homicides annually between 2000 and 2012. Guns were the most commonly used (39%) weapon. State laws prohibiting firearm possession by persons subject to restraining orders reduced the rates of intimate partner homicide of women by 12-13% and overall by 10%. As many of the proponents of this bill have stated, it is relatively easy to return a gun after two weeks, but a bullet cannot be unfired.

Thank you to Governor Malloy for his continued efforts to support and protect victims of domestic violence.

Again, we urge your support of these important measures. Thank you for your consideration.

Lee R. Schlesinger, Executive Director
Safe Haven of Greater Waterbury
203.575.0388
lschlesinger@safehavenofgw.org