

Testimony in Support of
SB 650, AAC Temporary Restraining Orders

Judiciary Committee

March 11, 2015

Good Morning Senator Coleman, Representative Tong and members of the committee. My name is Barbara Bellucci and I have over 25 years of experience as a Family Violence Victim Advocate with the Umbrella Center for Domestic Violence Services. I supervise the court based advocates in GA23 (New Haven), GA22 (Milford) and GA5 (Derby). My staff and I provide support, advocacy and safety planning to more than four thousand domestic violence victims referred to us each year in the criminal court and I recently served on the Legislative Task Force to Study the Service of Temporary Restraining Orders.

Thank you for providing me with this opportunity to address the committee regarding SB 650 – a bill that in my opinion, can provide a long overdue reformation of our current outdated and ineffective system.

Our task force spent a great deal of time reviewing Connecticut's current system and identifying several areas that needed to be addressed.

We heard testimony from marshals indicating the challenges they face attempting to effectuate service.

We reviewed information about how other states deal with the process – learning that at least 33 other states have authorized law enforcement to serve their restraining orders. Both police and advocates from Massachusetts spoke with us about the success of their system – exclusively using law enforcement to provide service of all restraining orders.

The Task Force unanimously agreed that the ex parte phase of a TRO can be an especially dangerous time for both the applicant and those who are authorized to effectuate service – especially when the respondent is in possession of a firearm and/or ammunition. SB 650 would allow sworn police officers to serve TROs under such circumstances. I would take this concept one step further and authorize law enforcement to serve any TROs at the request of the applicant. It is hard to argue the facts:

- 1- Law Enforcement has the power to arrest thereby able to immediately enforce the TRO.
- 2- Police Officers are available 24 hours a day / 7 days a week - able to immediately respond to a call for service when an applicant may have knowledge of where the respondent can be found after hours.
- 3- The presence of a uniform, a badge and a firearm can send a clear message to a respondent.
- 4- Local law enforcement officers know the community – they are often very familiar with the respondent and may know where the respondent is likely to be at a given time.
- 5- Police officers have access to data bases that would enhance their ability to successfully effectuate service.

I also personally believe the committee should consider extending the authority to serve TROs to probation officers, correctional officers and judicial marshals as well. Respondents in DOC custody, reporting to a probation officer and / or appearing in criminal court can easily be served by the above individuals.

ALLOW A COURT TO EXTEND SUCH ORDER IF THE APPLICANT IS PRESENT FOR THE SUBSEQUENT HEARING FOURTEEN DAYS AFTER ISSUANCE BUT THE ORDER HAS NOT YET BEEN SERVED.

Presently a hearing must be scheduled within 14 days of an ex parte order. The respondent is required to have 5 days notice of the hearing, giving the applicant 9 days or less to serve the respondent. If service cannot be made, the applicant is required to begin the process all over again. Victims become frustrated with the process – bogged down with paperwork at a time when they are in crisis and trying to plan for their safety. SB 650 allows the court to extend the order to provide more time for service. Our task force learned that 22 other states allow for similar extensions. This proposal is an “easy fix” and should be adopted without reservation.

INCREASE ACCESS ON THE PART OF APPLICANTS TO DOMESTIC VIOLENCE ADVOCATES WHO CAN ASSIST THEM IN PROPERLY FILLING OUT APPLICATIONS

Domestic Violence Advocates can do much more than help fill out applications. Most courts currently utilize Court Service Centers to assist with the paperwork involved with applying for TROs. DV Advocates are certified domestic violence counselors who can provide confidential safety planning throughout the TRO process. Victims often show up to apply for a TRO because someone suggested the idea – they may not have completely thought it through. For example, many applicants reconsider the idea when they learn that the respondent will be served with a copy of the affidavit. They become concerned that the respondent may become angrier and perhaps pose more of a risk to their safety. Under

such circumstances, DV Advocates can propose other options as part of a more comprehensive safety plan.

BROADEN THE METHODS BY WHICH RESPONDENTS MAY BE GIVEN LEGAL NOTICE OF SUCH ORDERS BY SWORN POLICE OFFICERS

As previously noted, Massachusetts appears to utilize a successful system for serving restraining orders. In addition to exclusively relying on law enforcement for service, officers are authorized to verbally inform / notify respondents of ex parte orders. Broadening the methods of service in this way can significantly increase the likelihood that ex parte orders will be successfully served.

As we take these steps to consider changes to the TRO process, let us not lose sight of the courage it takes for a victim of domestic violence to come forward and seek court ordered protection. Men and women who experience domestic violence often deal with verbal and emotional abuse, isolation, intimidation and physical abuse for extended periods of time before mustering the courage to apply for a TRO. Statistics overwhelmingly show that victims who are in the process of leaving an abusive relationship are at greatest risk – especially when firearms are present. We must continue to work together to create a system that eases the burden of the victim who reaches out for our help. Our legal process should be viewed as an option for victims seeking safety, not an additional obstacle to overcome in order to move forward.

Thank you for your time and consideration

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