

The Center for
Family Justice
(Bridgeport)
203-333-2233 hotline
203-334-6154 office

Women's Center
of Greater Danbury
203-731-5204 hotline
203-731-5200 office

Women & Families Center
(Meriden)
203-235-9297 office
(Middletown)
203-344-1474 office
(New Haven)
203-235-444 hotline
203-389-5010 office

Rape Crisis Center
of Milford
203-878-1212 hotline
203-874-8712 office

YWCA New Britain
Sexual Assault Crisis Service
(New Britain)
860-223-1787 hotline
860-225-4681 office
(Hartford)
860-547-1022 hotline
860-225-4681 office

The Center for Sexual Assault
Crisis Counseling and Education
(Stamford)
203-329-2929 hotline
203-348-9346 office

Susan B. Anthony Project
(Hartington)
860-482-7133 hotline
860-489-3798 office

Safe Haven of
Greater Waterbury
203-753-3613 hotline
203-753-3613 office

Sexual Assault Crisis Center
of Eastern Connecticut
(Willimantic)
860-456-2789 hotline
860-456-3595 office
(New London)
860-437-7766 hotline
860-442-0604 office

CONNECTICUT ALLIANCE TO END SEXUAL VIOLENCE



Support. Advocate. Prevent.

formerly CONNSACS

Testimony of Deb Heinrich, Director of Policy and Public Relations Connecticut Alliance to End Sexual Violence (formerly CONNSACS) Judiciary Committee March 14, 2016

In Support of:

- HB5605 TERMINATION OF PARENTAL RIGHTS
- HB5621 AN ACT CONCERNING HUMAN TRAFFICKING
- HB5054 AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE
- HB5623 AN ACT CONCERNING VIOLENCE AGAINST WOMEN AND VICTIMS OF HUMAN TRAFFICKING
- SB442 AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM A PERSON ACCUSED OF COMMITTING A CRIME

In Opposition to:

- HB5597 AN ACT CONCERNING DOMESTIC VIOLENCE VICTIMS SEEKING RESTRAINING ORDERS
- SB443 AN ACT CONCERNING NOTIFICATION TO VICTIM SUPPORT GROUPS OF THE NAMES OF VICTIMS OF DOMESTIC VIOLENCE

In Support with Reservations:

- HB5052 AN ACT CONCERNING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING

Good Afternoon Senator Coleman, Representative Tong, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee. My name is Deb Heinrich and I am Director of Policy and Public Relations for Connecticut Alliance to End Sexual Violence (formerly CONNSACS). The Alliance is the state's leading voice to end sexual violence. We are a coalition of nine community-based sexual assault crisis services programs, which provide free and confidential sexual assault crisis counseling and victim advocacy to thousands of women, men and children across Connecticut each year.

There are many bills before you today for which we would like to voice our opinions.

Support for HB5605 TERMINATION OF PARENTAL RIGHTS (identical language also found in HB5623)

This bill is of particular importance to our alliance. It would allow a woman who has been impregnated by rape to terminate the parental rights of the rapist using a clear and convincing evidence standard, a standard that has been endorsed by the Supreme Court for matters of the termination of parental rights.

In Connecticut, if a woman becomes pregnant as a result of rape, her decision to continue the pregnancy will be informed by the fact that the rapist can sue for custody and visitation rights. A rapist can use the child to further traumatize and have power over the survivor and the child for the next 18 years. We are seeing cases right here in Connecticut where rapists are using the threat of suing for custody and visitation as a way to ensure that a victim does not report the crime.

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Connecticut law requires a rape conviction before a woman is allowed to petition the probate court to terminate the parental rights of a rapist. National statistics show, however, that rape only ends in conviction 2% of the time. Even when survivors report to the police and undergo an invasive exam and evidence collection, their cases may not move forward. For those that do, cases may languish in court while a victim waits for justice. Many times, rapists plead to lesser non-sexual assault charges. This does not mean that the rape did not happen. It does not mean that a woman should not have access to the legal system to terminate the parental rights of the rapist.

Growing concern about the health and well being of rape survivors across the country prompted Congress to address this very issue last summer and bring to light this barrier and the importance of using the clear and convincing evidence standard to terminate the parental rights of a rapist. Through the passage of the Rape Survivor Child Custody Act, the federal government is offering federal dollar incentives to states that change their laws to the clear and convincing standard in these cases. If Connecticut passes HB5605, we will receive an additional 10% of our annual Violence Against Women federal dollars, which will be upwards of \$200,000 each year for five years.

Currently, no conviction is required to terminate parental rights in Colorado, Florida, Idaho, Illinois, Louisiana, Missouri, New Hampshire, Oklahoma, South Dakota, Texas, Vermont and Wisconsin. Maine is considering this legislation right now and it has passed out of committee nearly unanimously and is heading forward.

Probate judges are the experts in applying the clear and convincing evidence standard. They use it to decide if termination of parental rights is appropriate as I mentioned before, they use it to decide if a person should be involuntarily committed to a psychiatric institution, they use it to rule on claims involving wills and inheritances, they use it in cases involving important family decisions such as withdrawing life support from a relative, and much more. The clear and convincing legal standard means that the evidence being presented must be highly and substantially more probable to be true rather than untrue. In other states, evidence used to determine if the clear and convincing standard has been met includes: police reports, sexual assault forensic exam kit findings, therapy records, reports to sexual assault victim advocates with privileged communication status, witnesses, and DNA tests.

It is important to note that in the statutes for termination of parental rights, each and every reason that a judge may choose to terminate parental rights, and the list is lengthy, uses the clear and convincing evidence standard. Every one. Including if the parent killed another child. However, the one and only statute that requires conviction is if a woman is impregnated by rape. In other words, the rape of a woman is being held to a higher standard than any other reason for terminating parental rights.

It is estimated that there are between 25,000 and 32,000 rape-related pregnancies annually in the US. According to one recent study, 32% of the survivors continue the pregnancy. Women in Connecticut who have become impregnated through rape should have access to a fair and appropriate evidentiary standard for terminating the custody rights of their rapists.

Support for HB5621 AN ACT CONCERNING HUMAN TRAFFICKING (identical language also found in HB5623)

The Connecticut State Legislature and this committee in particular have shown exceptional leadership in working to raise awareness of and prevention of human trafficking. HB5621 contains the logical next step in continuing that work. Connecticut Alliance to End Sexual Violence is a member of the Trafficking in Persons Counsel which is chaired by the Permanent Commission on the Status of Women. We are in support of the multiple measures in this bill that will aid Connecticut in its ability to raise awareness of and to prevent human trafficking. Of particular interest to us in this bill is the language in Section 7 that raises the age of a person who can be convicted of prostitution to 18. It should be assumed that children under 18 who are involved prostitution are victims of human trafficking. They need our help and they need services not prosecution.

In order to fully address human sex trafficking, we need to address the demand side of the equation. Sex trafficking relies on the people who demand these services. They should also be held accountable. Sections 8 and 9 provide for monetary

penalties to the person patronizing a prostitute. In addition, Section 8 removes the defense that a person just did not know that they were soliciting prostitution from a minor. Soliciting prostitution from a minor is a serious crime and should be treated as such. Section 12 focuses the forfeiture requirements on the demand side as well, requiring all property used or intended for use to commit or facilitate the commission of patronizing a prostitute will be subject to forfeiture.

The measures in HB5621 focus on helping the people who are harmed by human trafficking as well as holding accountable the people who make human trafficking possible and profitable.

Support for HB5054 AN ACT PROTECTING VICTIMS OF DOMESTIC VIOLENCE (identical language also found in HB5623)

When discussing domestic violence and firearms, the statistics speak for themselves. A person in an abusive relationship is five times more likely to be killed if their abuser has access to firearms. Domestic assaults involving firearms are twelve times more likely to end in death than those involving other weapons or bodily force. In our state alone, there is an average of 14 intimate partner homicides each year, and the most common weapon used is a firearm. We, as a society, encourage people who are experiencing domestic violence to take steps to leave a relationship, so we must then give them the tools they need to do so safely. When a judge believes, based on a sworn affidavit from a victim, that the victim faces immediate physical danger and grants a temporary restraining order, the subject of that restraining order should surrender their firearms. The language of the bill makes it clear that they will be returned if a full restraining order is not granted. This is a basic and necessary protection that twenty other states have already passed. Connecticut should provide victims of domestic violence the tools they need to leave an abusive relationship safely.

Support for HB5623 AN ACT CONCERNING VIOLENCE AGAINST WOMEN AND VICTIMS OF HUMAN TRAFFICKING

We are in support of the provisions of this bill. For specific testimony, please reference our above testimony for the bills that also contain the same language: HB5605, HB5621, and HB5054.

Support for SB442 AN ACT CONCERNING A VICTIM'S RIGHT TO BE REASONABLY PROTECTED FROM A PERSON ACCUSED OF COMMITTING A CRIME

When a court issues a protective order, it can be a dangerous time for a victim of sexual assault, a time when there can be an increased risk of retaliation and further violence. Connecticut already has laws that require the subject of the protective order to surrender, deliver or transfer firearms. A victim who has applied for and received the protection of a protective order has the right to know if the subject of the protective order has complied with the laws regarding their firearm possession as it directly affects their safety. Therefore we are in support of the additional language in Section 1 which requires that the victim be notified in a timely manner of the firearm possession compliance of the subject of a protective order.

We also appreciate the language in Section 3 that puts the onus on the court to notify a victim of a crime that a defendant has applied to participate in a diversionary program so that a victim can have the opportunity to be heard before the court rules on the application. Previous language put the onus on the defendant to notify the victim. Thus the defendant is provided the name and address of the victim in order to notify them of their application. This is an unnecessary risk and can be re-traumatizing to the victim. We agree that the court is the more appropriate entity to notify a victim in these cases.

Section 4 also provides important notifications to victims when their perpetrators are arrested, released on bond and when they are to appear in court. Again, this information is critical to the victim's safety and peace of mind. In addition, this information will allow the victim to exercise their rights to be present at the hearings.

According to the Connecticut State Constitution, victims of crime have a right to be reasonably protected from the accused. These measures in SB442 will help to ensure that right is upheld.

Opposition to HB5597 AN ACT CONCERNING DOMESTIC VIOLENCE VICTIMS SEEKING RESTRAINING ORDERS

Though requesting a risk warrant to remove firearms is a useful tool for victims of domestic violence, it is not a tool that can be used successfully in every circumstance. The differences between the risk warrant process and the restraining order process are significant to victims of domestic violence. Unlike applying for a restraining order, which is a civil process, applying for a risk warrant requires police involvement. There are many reasons why someone in a domestic violence situation may not wish to escalate the dangerous situation they are already in by contacting law enforcement. Connecticut in particular has a 20% dual arrest rate when law enforcement is involved in domestic violence situations. Nationally, that rate is 7%. In Connecticut, in some communities, the dual arrest rate is even higher than 20%. When the risk is that high that a victim will also be arrested, it presents a barrier to involving law enforcement. If a risk warrant is issued, not only are firearms taken, but the home is searched. This can be perceived as a very provocative move and escalate anger and violence toward the victim. Utilizing the risk warrant system is an important option, but there are multiple ways to solve issues and victims of domestic violence should not be limited to only receiving protection from firearms if they choose to report to law enforcement.

Opposition to SB443 AN ACT CONCERNING NOTIFICATION TO VICTIM SUPPORT GROUPS OF THE NAMES OF VICTIMS OF DOMESTIC VIOLENCE

We appreciate that this bill acknowledges the important advocacy and support work that victim support groups provide to survivors of domestic violence and sexual assault. For survivors and victims of sexual assault, Connecticut Alliance to End Sexual Violence member programs offer 24/7 free and confidential crisis counseling and hotline services from certified sexual assault victim advocates, information and referrals to social and legal services, short-term counseling for individuals and groups, and community education programs concerning sexual assault issues, safety concerns, etc. They also have memoranda of understanding with most colleges and universities across the state to help provide support services to students.

We invite anyone who encounters a survivor of sexual assault to provide that person with our contact information so that they can contact us if they choose to do so. The key here is to let them choose whether or not to reach out to us. People react to trauma in a variety of ways. There is no right or wrong way to react to or process trauma. Different people need different things. A survivor of trauma should be empowered to make their own decisions. This includes whether or not to reach out to a victim support group. People who experience the trauma of sexual assault have lost their power over decisions regarding their bodies. Reclaiming their power to make their own decisions is an important part of the healing process. Providing them with information and allowing them to decide what their next steps will be is empowering them.

In addition, there may be a myriad of reasons why a survivor of sexual violence may not want to have their name given out. They may know someone who works at the local victim service group and may not want to disclose what is happening to them to that particular acquaintance. They may have safety concerns. If victims know that their names will be given out, for many, it will discourage reporting. Sexual violence is already severely underreported. Maintaining privacy is of the utmost importance.

Though the intention of this legislation to connect victims and survivors with much needed services is honorable, there will be unintended consequences, including further victimizing someone who has already lost their agency as well as discouraging survivors from reporting.

Support with Reservations for HB5052 AN ACT CONCERNING PROTECTIONS FOR VICTIMS OF HUMAN TRAFFICKING

As members of the Trafficking in Persons Counsel, we support the efforts of this bill to protect minors who are subject to human trafficking. Section 2 clarifies that a person is guilty of trafficking in persons if they compel or coerce a person under 18 to engage in sexual contact with one or more third persons, even one time. We question, however, why this language

would apply only to someone under 18 years of age. We propose that a person who compels or coerces anyone, whether or not they are under 18, to engage in sexual contact with one or more third persons is guilty of trafficking in persons, even one time. We hope that if this bill moves forward, that addition will be made. In Section 3, the bill creates a new crime "Patronizing a trafficked minor" as a class B felony. Unfortunately, it includes the language "or reasonably should have known at the time of the offense" that the person was a minor. This language is colloquially known as a "mistake in age defense". It allows a person to simply claim that they just didn't know that the person from whom they are enticing or soliciting sex, which are both already crimes, is a minor. The trend across the country for states that are taking up trafficking issues is to move away from allowing a "mistake in age defense" and removing it from their statutes. This language moves our state backward in our attempts to prevent human trafficking in part by hindering the ability to hold accountable people who are purchasing sex from minors who are being trafficked. Not only do we hope that this language will not be added to the statute, we hope that it will be removed from Connecticut's statutes regarding prostitution and human sex trafficking as it is in HB5621 AN ACT CONCERNING HUMAN TRAFFICKING and HB5623 AN ACT CONCERNING VIOLENCE AGAINST WOMEN AND VICTIMS OF HUMAN TRAFFICKING.

I thank you for your consideration and would be happy to answer any questions you may have regarding this testimony and these bills.

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