

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

Chrysalis Domestic Violence Services

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

Testimony Regarding

HB 6505, AAC Court Operations

Judiciary Committee

March 15, 2021

Good afternoon Senator Winfield, Representative Stafstrom, Senator Kissel, Representative Fishbein, and members of the committee. CT Coalition Against Domestic Violence (CCADV) is the state's leading voice for victims of domestic violence and those who serve them. Our 18 member organizations provide essential services to nearly 40,000 victims of domestic violence each year. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

CCADV would like to comment on two specific sections of the bill – Sections 17 & 22.

Section 17 – support

Section 17 seeks to make permanent the successful, fully online restraining order application process that was developed in response to the pandemic. This process was developed in partnership by CCADV, Connecticut Legal Services, and the Judicial Branch. At the onset of the pandemic, as court houses closed in an effort to protect both public and staff safety, the number of restraining order applications being filed dropped from a monthly average of almost 700 to under 300 per month. This was an immediate concern for CCADV and our partners.

While domestic violence remained a Priority 1 issue for the Branch throughout the pandemic, applying for a restraining order required contact with a notary to witness the affidavit. The Branch has offered the ability to file applications online for some time now, but the fact that the application has traditionally required a sworn affidavit meant that victims would not have a choice but to be in close contact with others. Following guidance offered by CCADV, Connecticut Legal Services, and the Branch, Governor Lamont issued Executive Order No. 7T on April 2nd allowing applications to be filed under penalty of false statement instead of with an affidavit. This eliminated the need for a witness while maintaining perjury protections used by the Branch for other types of court ordered relief.

Victims, advocates, attorneys, and court personnel have all pointed to the success of this process, which made applying for a restraining order both easier and, particularly during a pandemic, safer. CCADV has proposed this same language in our legislative requests this year along with one addition related to service of orders. Because the process has always required the victim to contact a state marshal to cause service of the order, CGS 46b-15 must also require that marshals accept electronic documents when they are presented that way. Failure to do this makes the contactless nature of the original fix moot because the victim would have to make copies and have contact with the marshal to deliver them. We suggest the following addition to this language:

Line 1070 – after “hearing.” add “The proper officer responsible for executing service shall accept all documents electronically, if presented to said officer in such format.”

(OVER)

Section 22 – support with substitute language

Similar to several other sections of this bill, Section 22 seeks to allow the Judicial Branch, in certain circumstances, to issue decisions based on the papers without requiring a hearing. As with similar proposals in years past, CCADV does not oppose this effort both because the Branch has taken steps to offer protections for victims with existing or pending restraining/protective orders and because many victims can, when appropriate, benefit from not having to attend a hearing.

This particular section impacts final agreements in custody cases. We are concerned with how the newly added language is worded because it strays from the traditional court canvas regarding fair and equitable decisions in the best interests of the child and it appears to potentially preclude victims from bringing up past abuse should they ever need to modify the resulting court order in the future. There are certainly times where a victim will make an agreement related to custody in a good faith belief that, at that time, it is in fact fair, equitable, and in the best interest of their children and that ending the court proceedings is in the best interest of their children. However, circumstances can change related to care and custody of children, particularly when domestic violence is present and possibly continuing even after a divorce and/or custody agreement has been reached. In these situations, potentially precluding victims from pointing to past abuse in relation to parental fitness is neither safe for the victim nor the children.

We have discussed our concerns with the Branch and understand that they have alternative language to address our concerns. We urge your inclusion of that language in this bill prior to passage.

Thank you for your consideration and please do not hesitate to contact me with questions.

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