

Testimony of Karen Elise Robbins Donshik
Connecticut General Assembly's Judiciary Committee

Date: March 22, 2021

Subject: Testimony in support of (1) Raised Bill No. 1060, "An Act Concerning Court Proceedings Involving Allegations of Coercive Control" and S.B. No. 6, "An Act Concerning Domestic Violence and Criminal Justice Reforms"

Submitted via electronic mail to judtestimony@cga.ct.gov

Esteemed Members of the Assembly and Judiciary Committee;

My name is Karen Elise Robbins Donshik. I'm a lifelong resident of Simsbury. For the past two decades, I have been in a marriage defined by coercive control and coerced debt. It is my hope that my testimony in support of Raised Bill No. 1060, "An Act Concerning Court Proceedings Involving Allegations of Coercive Control" and S.B. No. 6, "An Act Concerning Domestic Violence and Criminal Justice Reforms," will help the General Assembly pass a strong, effective law that empowers the court system and relevant third parties to protect women like me in the future.

Before sharing the story of how I came to be a victim of coercive control and coerced debt by way of spousal financial abuse – a situation that continues to this day – I'd like to thank and recognize the many co-sponsors of these bills, in particular Senator Alex Kasser (36th District) and Representative Eleni Kavros DeGraw (17th District.) I'd also like to thank my local legislator, Representative John Hampton (16th District), who has been very supportive of my family. These legislators have put forth bills that are well-suited to protect women like me from partners who seek to control them. The Legislature clearly understands the tremendous personal, emotional, economic, physical psychological and social costs associated with unchecked abuse. I and many others are grateful for this work.

Connecticut Protective Moms, the grassroots organization of mothers dedicated to improving the Connecticut Family Court's ability to assist victims of physical, coercive control, emotional, verbal, financial and legal abuse, also deserve recognition. I deeply appreciate their work to raise awareness and educate Connecticut Family Court stakeholders about the need to

reform state laws and eliminate bias against a mother's allegations during family court proceedings. On a personal note, I am proud to have joined their efforts in the past year.

Never did I think life would find me in a situation where my husband and the father of my children would secretly take measures over the decades to undermine my financial independence – all in an attempt to control and abuse me. Throughout my adult life, I have remained a dutiful wife, a loving mother of three wonderful children and an active member of various local school communities while supporting non-profit work to increase literacy. Despite living with my ex's controlling behaviors and accepting his verbal abuse, I carried on with the knowledge that funds gifted to me upon the passing of my grandmother and aunt would be available as a "safety net" that would protect me from harm in a worst-case scenario.

That sense of security vanished a little more than a year ago. In the early months of 2020, I learned my ex had repeatedly stolen and misused my identity for personal financial gain dating back as far as 2002. Through extensive research and countless hours engaging with bank and credit card company's customer service representatives, legal representatives and others, the reality of my situation was clear: my ex had stolen my personal information and used it to fraudulently open countless credit card accounts in my name for his personal gain.

As of this writing, his actions have left me ostensibly responsible for at least \$235,000 of credit card debt fraudulently obtained in my name. I also remain liable for more than \$700,000 of debt that my ex secured against my home. Please note the house is solely titled in my name.

Upon learning of these transgressions, I obtained legal counsel and filed for divorce in Family Court on March 30, 2020. Unfortunately, the pandemic has stalled the legal proceeding indefinitely – a situation that has allowed my ex to amplify and continue the ongoing coercion and abuse. Worst of all, current circumstances provide me no opportunity to access credit.

When researching the extent of financial harm inflicted upon me by my ex, which included taking all of my savings, I discovered my credit score had fallen below the minimum needed to access lending capital for basic necessities such as heating, education, healthcare, food and transportation. Automatic orders from the Family Court did not help because he refused to abide by them. As of this writing, my ex owes thousands of dollars in outstanding

family support, tens of thousands more for legal fees, plus funds I've spent out of pocket to maintain a household and continue my children's education and activities.

Without the funds I saved for a 'rainy day,' my family remains at the mercy of a controlling, manipulative person who has shown no indication of doing the right thing. Throughout the past year, he has openly abused the Family Court process for the purpose of controlling me, including failure to follow Automatic Orders, reusing to abide by several Stipulated Agreements and filing several legal objections to straightforward issues like mandatory production of financial records. He's even demanded that I pay his legal fees.

Apparently, there is no end to his willingness to use the legal system as a weapon. In recent weeks, he has petitioned the family court to allow an immediate deposition of my father, all the while rebuffing any effort that might compel him to produce accurate bank statements, business accounting files and similar records that would allow the Family Court to determine appropriate child support payments and more.

The entirety of his abuse is best summarized by one of the countless cruel, demeaning messages he sends on a regular basis: "**You started this by filing for divorce.**" (emphasis added.)

As written, both Bill No. 1060 and S.B. 6 would address my ex's efforts to abuse the family court system. It would also alleviate other stressors that accompany divorcing a vindictive, controlling partner.

However, additional elements to protect spouses who've been victimized by "coerced debt," specifically identity theft and financial fraud should be considered prior to enacting a new law. These may include the following:

1. **"Coerced Debt": Identity Theft & Financial Fraud Definitions**

In its current form, neither bill includes any definition associated with "coerced debt." A law enacted in Texas during 2019 (House Bill 2697) expanded the definition of identity theft to include debt incurred through direct or indirect coercion. By including this language, Texas lawmakers created a clear pathway for victims to clear their names and begin life anew. The

Assembly should consider adopting the same or similar statutory language in the final legislation.

Coerced debt is generally defined as “non-consensual debt incurred by an abuser in an abusive relationship.” As my story proves, coerced debt can eradicate a survivors’ ability to move forward with their lives, provide for their children and begin the difficult work of restoring emotional independence.

Expanded awareness about coerced debt and its impact on survivors of domestic violence is obviously important in terms of protecting vulnerable women. The Assembly can address a significant problem for spouses that is poorly understood by promoting clear, commonsense policy solutions similar to those adopted in Texas. Absent new laws to address this growing problem, survivors of domestic violence will likely not have the economic support they need to gain, maintain and/or rebuild their financial security.

Economic security is critical for survivors of domestic violence to break free from abusive partners. Ample research exists that shows access to economic resources as the best predictor as to whether a survivor will be able to permanently separate from their abusive partner. Additional information shows the extent of economic and financial abuse on survivors. According to data compiled by National Domestic Violence Hotline, approximately a third of Texans who phoned the service reported suffering economic or financial abuse. In its landmark 2019 report “Produced Abuse by Credit: The Problem of Coerced Debt in Texas,” the Texas Appleseed Public Interest Center produced a first-of-its-kind study that clearly and forcefully articulated the incredibly harmful effects that spousal identity theft inflicts on innocent people.

Another major national survey of domestic violence conducted in 2018 found economic abuse occurred in 94 to 99 percent of relationships where domestic violence was present. Statistics from the 2007 Consumer Bankruptcy Project previously highlighted the relationship between domestic violence and economic vulnerability, with 17.8 percent of females married or living with a partner at the time of bankruptcy filing also reporting domestic violence in the prior year. According to Texas Appleseed, a 2012 study on coerced debt included information

that more than 90 percent of domestic violence professionals reported having clients who experienced coerced debt.

The problem of coerced debt is not limited to spouses. A report published by Javelin Strategy & Research found more than one million children were the victims of identity fraud, with the majority wronged by an abusive parent in 2017 (see *2018 Child Identity Fraud Study*, which reported that 60 percent of victims personally knew the perpetrator.) Researchers pegged total losses associated with identity fraud against children at \$2.6 billion annually, plus some \$540 million in direct out-of-pocket costs to families.

2. Financial Services Industry Requirements

In my experience and based on publicly available information, the financial services sector has adopted policies that amplify coerced debt and financial abuse perpetrated by a spouse against another. These companies generally state that they are not triers of fact, and therefore are unable to provide relief to any individual burdened in a manner similar to my present circumstance.

As a result, even when a victim provides clear, verifiable evidence of identity theft, financial fraud and coerced debt (for example proof of forged signatures, falsified mailing addresses and fake email accounts, or even an admission of guilt), an overwhelming majority of banks and credit lenders have no stated interest in providing relief.

Instead, these companies claim debt amassed through jointly-held credit is the responsibility of both parties, even if one partner had no idea their name was on any given account. The same holds true for credit cards fraudulently opened in the name of one spouse by the other without permission or consent.

At the bottom line, financial services companies literally revictimize survivors by demanding that outstanding debt issues be resolved through divorce proceedings. Notwithstanding the fact that abusive spouses rarely accept responsibility for their actions, the same companies admit they will subsequently treat a survivor as a fully responsible debtor unless open balances are paid promptly prior to signing of a final divorce decree.

In sum, these companies will continue to aggressively seek full restitution, including interest and penalties, if an ex doesn't pay off overdue balances. This means I will all but surely be held responsible for more than 15 individual and joint credit accounts I neither opened or controlled, as well as two lines of credit falsely opened in my name.

There is one obvious reform that can be made to address this problem. The Assembly should require financial services companies to offer expedited account review and settlement processes to victims of spousal abuse who provide documentation of forged instruments and similar verifiable evidence proving that account access was fully controlled by the abusive partner.

3. Credit Rating Agency Requirements

Crediting Rating agencies are bound by policy from clearing victims of identity theft, coerced debt and financial fraud. This is clearly concerning because credit scores and consumer reports play a dominant role in all of our financial lives. Without good credit, victims of economic spousal abuse will likely struggle to qualify for rental housing, home mortgages, auto loans or even employment with companies that perform financial background checks prior to hiring.

This problem can be avoided by requiring Credit Rating agencies to expedite a review of all disputed accounts within 30 days and mandating restoration of positive credit scores for all victims who provide documentation of forged instruments and verifiable evidence that access to outstanding bank and credit accounts was fully controlled by the abusive partner.

In closing, thank you for your time and consideration. It is greatly appreciated.

Submitted by:

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