Legislative History for Connecticut Act

HB 6839 PA 126 1997

Senate - 2225, 2362 -2364 (4)

HOUSE: 1594 -1596, 2056 -2059, 2617 -2620 (11)

JUDICIARY: 1010 -1013, 1015 -1016, 1028 -1029, 1074 -1078 (13)

28p

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library

Compiled 2014

S-409

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1997

VOL. 40
PART 7
2165-2516

Calendars 493 and 494 are PR.

Page 20, Calendar 495, Substitute for HB6538, I move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

SEN. JEPSEN:

Calendar 496, HB6839, I move to the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

SEN. JEPSEN:

Calendar 487, is marked Go.

The last three items 498, 499, and 500 are all PR.

Page 21, Calendar 501 is the Order of the Day.

Matters Returned From Committee.

Calendar 70, is PR.

Calendar 116, is PR.

Calendar 122, is PR.

Calendar 126, Substitute for SB1166, I move to the Foot of the Calendar.

THE CHAIR:

Motion is to refer this item to the Foot of the Calendar. Without objection, so ordered.

Madam President, first Consent Calendar begins on Calendar Page 3, Calendar 227, Substitute for HB5703.

Calendar Page 5, Calendar 363, HB6585.

Calendar Page 6, Calendar 382, SB649.

Calendar 383, Substitute for SB1082.

Calendar 385, Substitute for SB1125.

Calendar Page 8, Calendar 419, Substitute for SB1052.

Calendar Page 9, Calendar 427, Substitute for SB986.

Calendar Page 11, Calendar 446, HB7064.

Calendar 448, HB6624.

Calendar Page 13, Calendar 458, HB6885.

Calendar 459, Substitute for HB6899.

Calendar Page 17, Calendar 484, Substitute for HB6805.

Calendar Page 18, Calendar 487, HB6787.

Calendar Page 20, Calendar 495, Substitute for HB6538.

Calendar 496, HB6839.

Calendar Page 22, Calendar 160, SB1001.

Calendar Page 24, Calendar 189, SB1094.

Calendar Page 27, Calendar 262, Substitute for SB418.

Calendar Page 32, Calendar 120, SB1113.

Calendar 178, Substitute for SB1112.

Madam President, that completes the first Consent Calendar.

THE CHAIR:

That is the Consent Calendar. Machine will be open. Would the Clerk please announce again a roll call vote.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber. An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Have all members voted?

THE CLERK:

Voting by roll on the Consent Calendar. Will all Senators please return to the Chamber. The Senate is voting by roll on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

If all members have voted, the machine will be locked. Clerk please take a tally.

THE CLERK:

Adoption of the Consent Calendar.

Total Number Voting	36
Those Voting Yea	36
Those Voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar is adopted. Would the Clerk please return to the Call of the Calendar.

THE CLERK:

Calendar Page 12, Calendar 451, Files 399 and 720, Substitute for HB5513. AN ACT CONCERNING APPLICATION OF PESTICIDES BY UTILITY COMPANIES. As amended by House Amendment Schedule A, LCO-7963, and House Amendment Schedule B, LCO-4818. Favorable Report of the Committee on Environment, and Energy and Technology.

THE CHAIR:

Senator Daily.

SEN. DAILY:

Thank you Madam President. I would move adoption of the Joint Committee's Favorable Report and passage of the bill.

THE CHAIR:

The Question is on passage. Will you remark? Senator Daily.

SEN. DAILY:

H-763

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

VOL. 40
PART 5
1567-1965

Minority Leader is in the possession of the Clerk.

SPEAKER LYONS:

The Chair, once again, recognizes Representative Cardin.

REPRESENTATIVE CARDIN: (53rd)

Madam Speaker, I have a list of bills to be referred to committee. And if you will bare with me -- I would move the following bills under House Rule 20(e):

To the Committee on Judiciary HB6885, to the Committee on Judiciary HB6714, to the Committee on Judiciary HB6563, to the Committee on Judiciary HB6899, to the Committee on Public Health HB6949, to the Committee on Transportation HB6211, to the Committee on Public Health HB6944, to the Committee on Public Health HB6920, to the Committee on Judiciary HB6802, to the Committee on Planning and Development HB6749, to the Committee on Judiciary HB6577, to the Committee on Public Health HB6897, to the Committee on Judiciary HB6919, to the Committee on Planning and Development HB6818, to the Committee on Insurance and Real Estate HB6409, to the Committee on Insurance and Real Estate HB5647, to the Committee on Commerce HB5751, to the Committee Human Services HB6369, to the Committee on Legislative Management HB6368, to the Committee on

Commerce HB6466, to the Committee on Judiciary HB6572, to the Committee on Public Health HB6641, to the Committee on Public Health HB6884, to the Committee on Human Services HB6932, to the Committee on Public Safety HB6797, to the Committee on Environment HB6754, to the Committee on Public Health HB6798, to the Committee on Insurance and Real Estate HB6940, to the Committee on Legislative Management HB5863, to the Committee on General Law HB6817, to the Committee on Judiciary HB6947, to the Committee on Insurance and Real Estate HB6839, to the Committee on Public Safety HB5979, to the Committee on Environment HB6587, to the Committee on Commerce HB6841, to the Committee on Government Administration and Elections, to the Committee on Planning and Development HB6744, to the Committee on Human Services HB5151, to the Committee on Insurance and Real Estate HB6936, to the Committee on Legislative Management HB5792, to the Committee on Legislative Management HB6579, to the Committee on Judiciary HB6542, to the Committee on Insurance and Real Estate HB6583, to the Committee on Judiciary HB6630, to the Committee on Government Administration and Elections HB6948, to the Committee on Government Administration and Elections HB5525. And last, but not least, to the Committee on Public Safety HB6900.

SPEAKER LYONS:

Are there any objections? Hearing no objections, they will be referred to those appropriate committees.

THE CLERK:

Madam Speaker, there's no further business on the Clerk's desk.

SPEAKER LYONS:

The Chair recognizes Representative Cardin.

REPRESENTATIVE CARDIN: (53rd)

Madam Speaker, for a point of personal privilege.

SPEAKER LYONS:

Sir, please proceed.

REPRESENTATIVE CARDIN: (53rd)

On your behalf and the rest of the General Assembly I'd like to welcome the students from Sacred Heart university today. And by the looks of them I think, from your standpoint, I might be a little concerned that maybe one of them -- hopefully, at some point, one them someday will be your successor.

SPEAKER LYONS:

Thank you. Thank you for that. We certainly appreciate, and I, also, as with Representative Cardin would like to extend to each and every one of you a welcome to the Capitol. I'm delighted that you were able to come here today.

H-764

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

VOL. 40
PART 6
1966-2338

Majority Leader of the 54th district.

REPRESENTATIVE MERRILL: (54th)

Madam Speaker, I move that we waive the reading of the House favorable reports and the bills be tabled for the Calendar and printing.

SPEAKER ORANGE:

Hearing no objection, so ordered.

THE CLERK:

Also, madam Speaker, the Clerk has a list of referrals in accordance with House Rule (20)(e). A written expression of agreement between the Majority Leader and the Minority Leader is in possession of the Clerk.

SPEAKER ORANGE:

The Chair recognizes Representative Merrill of the 54th.

REPRESENTATIVE MERRILL: (54th)

Madam Speaker, I have a list of bills to be referred to committee.

SPEAKER ORANGE:

Please proceed.

REPRESENTATIVE MERRILL: (54th)

I would move the following bills under House Rule (20)(e):

To the Committee on Planning and Development, Bill

No. 6893, to the Committee on Planning and Development, Bill No. 6895, to the Committee on Appropriation, Bill No. 6365, to the Committee on Legislative Management, Bill No.6566, to the Committee on Public Safety, Bill No. 5001, to the Committee on Public Safety, bill No. 5692, to the Committee on Finance, Revenue and Bonding, Bill No. 6512, to the Committee on Public Safety, Bill No. 6516, to the Committee on Appropriations, Bill No. 6712, to the Committee on Planning and Development, Bill No. 6854, to the Committee on Public Health, Bill No. 6855, to the Committee on Government Administration and Elections, Bill No. 6002, to the Committee on Appropriations, Bill No. 6970, to the Committee on Legislative Management, Bill No. 7052, to the Committee on Legislative Management, Bill No. 7060, to the Committee on Planning and Development, Bill No. 6989, to the Committee on Energy and Technology, Bill No. 6957, to the Committee on Government Administration and Elections, Bill No.6774, to the Committee on Human Services, Bill No. 6657, to the Committee on Commerce, Bill No. 6630, to the Committee on Appropriations, Bill No. 6805, to the Committee on Government Administration and Elections, Bill No. 6916, to the Committee on Planning and Development, Bill No. 6944, to the Committee on Appropriations, Bill No. 7592 5792, to the

Committee on Public Safety, Bill No. 6932, to the Committee on Appropriations, Bill No. 6798.

SPEAKER ORANGE:

Representative Merrill.

REPRESENTATIVE MERRILL: (54th)

Yes.

SPEAKER ORANGE:

Could you please repeat Substitute for HB6572, Calendar 274.

REPRESENTATIVE MERRILL: (54th)

Are you talking about Appropriations 6798?

SPEAKER ORANGE:

I believe that is referred to Appropriations.

REPRESENTATIVE MERRILL: (54th)

Yes. Bill No. 6798 was referred to the Committee on Appropriations.

SPEAKER ORANGE:

Thank you, Representative Merrill. Please continue.

REPRESENTATIVE MERRILL: (54th)

Yes, continuing to the Committee on Public Health, Bill No. 6839, to the Committee on Appropriations, Bill No. 5151, to the Committee on Finance, Revenue and Bonding, Bill No. 6517.

SPEAKER ORANGE:

Representative Merrill, could you please repeat the last sixteen bills, starting with No. 16.

(Laughter)

SPEAKER ORANGE:

Hearing no objection, so ordered.

THE CLERK:

madam Speaker, the Clerk has in her possession a communication from Deputy Majority Leader, Robert Godfrey, dated May 2, 1997, concerning Consent Calendar designations pursuant to House Rule (43). A written expression of agreement between the Majority Leader and the Minority Leader is in possession of the Clerk.

SPEAKER ORANGE:

The Chair recognizes Representative Merrill.

REPRESENTATIVE MERRILL: (54th)

Thank you, Madam Speaker. At this time I would move that the following items be placed on the Consent Calendar:

Calendar No. 410, H.B. No. 6508, Calendar No. 418, H.B. No. 5113, Calendar No. 420, H.B. No. 6510.

SPEAKER ORANGE:

Hearing no objection, so ordered.

THE CLERK:

Madam Speaker, there's no further business on the Clerk's desk.

H-765

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1997

VOL. 40
PART 7
2339-2704

SPEAKER RITTER:

I had the opportunity to spend some time with the coach and the players earlier. I got a nice new basketball, a signed basketball, for my collection and a shirt which I will proudly wear. Hey, it's good to be up here. Thanks for joining us today. Thank you very much, hope you enjoy the rest of the day. Are there any other points of personal privilege, announcements or anything else? Clerk please call Calendar 292.

CLERK:

On page thirty-one, Calendar 292, HB6839. AN ACT CONCERNING DOMESTIC VIOLENCE. Favorable report of the Committee on Public Health.

SPEAKER RITTER:

Representative Scalettar.

REP. SCALETTAR: (114th)

Thank you Mr. Speaker. I move acceptance of the Joint Committee's favorable report and passage of the bill.

SPEAKER RITTER:

Motion is on acceptance and passage, please proceed madam.

REP. SCALETTAR: (114th)

Thank you Mr. Speaker. This bill makes

Connecticut's domestic violence restraining and protective orders easier to enforce out of state under the Federal Violence Against Women Act, that's sections one and two of the bill. Section three of the bill is actually a technical correction to a part of our unfair insurance practices act.

A couple of years ago we passed a provision that would make it an unfair insurance practice to charge people a different amount of insurance if they are a victim of family violence, and we inadvertently omitted one subsection of the statute with respect to limited benefit health coverage, so that's section three.

Mr. Speaker, the Clerk has LCO 7479, will he call and I be permitted to summarize?

CLERK:

Clerk has LCO 7479 if you may call and Representative Scalettar would like to summarize.

CLERK:

LCO 7479, House "A" offered by Representative Scalettar.

SPEAKER RITTER:

Representative Scalettar.

REP. SCALETTAR: (114th)

Thank you Mr. Speaker. This amendment also is to technically change the language. Where the bill would

apply for enforcement of orders so that the language is in keeping with the Federal Violence Against Women Act. I move adoption of the amendment Mr. Speaker.

SPEAKER RITTER:

Representative Scalettar.

REP. SCALETTAR: (114th)

I move adoption of the amendment.

SPEAKER RITTER:

I'm sorry, questions on the adoption of the amendment, will you remark further? If not I'll try your minds. All in favor signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER RITTER:

Opposed no, amendment is adopted. Will you remark further? If not, staff and guests come to the well of the House, the machine will be open.

CLERK:

The House of Representatives is voting by roll call, members to the Chamber. The House is voting by roll call, members to the Chamber please.

SPEAKER RITTER:

If all the members have voted please check the roll call machine to make sure your vote is properly cast, if it has the machine will be locked. Clerk

please take the tally. Representative Dyson.

REP. DYSON: (94th)

Thank you Mr. Speaker, in the affirmative please.

SPEAKER RITTER:

Representative Dyson in the affirmative, anybody else? Clerk please announce the tally.

CLERK:

House Bill 6839 as amended by House schedule "A."

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	143
Those voting Nay	0
Those absent and not voting	8

SPEAKER RITTER:

Bill as amended passes. Clerk please call Calendar 342.

CLERK:

On page nine, Calendar 342, substitute for HB6253. AN ACT CONCERNING CAMPAIGN FINANCE DISCLOSURE BY TOWN COMMITTEES AND ALLOWING CERTAIN CAMPAIGN SURPLUSES TO BE DISTRIBUTED TO STATE OR MUNICIPAL GOVERNMENTS OR AGENCIES. Favorable report of the Committee on Government Administration and Elections.

SPEAKER RITTER:

Representative Mantilla from the great city of

JOINT
STANDING
COMMITTEE
HEARINGS

JUDICIARY
PART 3
693-1078

1997

within the grade. When SCOPE was implemented, no one thought that this would happen, that someone would be adversely affected.

And unfortunately, I think 19 public defenders -- I don't know what percentage that is, but 35 prosecutors were affected by SCOPE.

As I say, we are addressing it in our current negotiations, but we can only address it prospectively. What I am here for today is to address it retroactively in that some of these prosecutors have been affected since July 1 of 1995 and would be affected throughout their entire career.

And we need the funding, as Mr. Bailey said - I think it was $100,000 to put people -- not to put them ahead. All this bill would do is to put these 35 prosecutors, 19 public defenders in the position they would have been if, in fact, SCOPE had not been implemented.

And that is simply what this bill does. And we would urge the support from this committee for this bill.

Is there any questions? I thank you for your attention.

SEN. WILLIAMS: Thank you. Any questions? Thank you very much.

FRED FAWCETT: Thank you.

SEN. WILLIAMS: Next, John Puzzo to be followed by Raphael Podolsky.

JOHN PUZZO: Chairman Lawlor, Chairman Williams, members of the committee. I would like to present testimony today on HB6839, AN ACT CONCERNING DOMESTIC VIOLENCE.

I offer this testimony as a concerned citizen, father and a husband who is currently going through divorce.

Specifically, the present laws of the State of Connecticut, in my opinion, concerning this issue as they are written, interpreted and enforced, may do as much harm as the good that was intended by those well intentioned legislators who have created and revised these laws over the years.

I believe there is much room for improvement in this area and it is hoped that the testimony that I am giving here today will help this committee to achieve a greater understanding of why improvement is necessary.

I am a father of two wonderful children, ages five and seven and from the time each of my children, a boy and a girl, were six weeks old, I cared for them as a stay-at-home dad. I changed some 12,000 diapers; fed 18,000 meals; arranged 3,000 naps; went to the park with them about 3,000 times; built 15 snowmen; and hugged them and kissed them as many times as I could every day.

In six years our children never threw up; they never had upset stomachs; ear infections; unexplained fevers; or injury due to neglect. I did 95% of all the cooking, cleaning, shopping, and housework while my wife furthered her career. She makes a good salary now.

In 1995 after six years of marriage my wife decided she didn't wish to be married to me anymore and left the State with my children. She is back, but no one in her family at that time would tell me where she went. I was very distraught that my children whom I had cared for so loving and for so long were gone.

I was served papers that were nothing less than bizarre and in these papers I was accused falsely of violently abusing my children and of neglecting them.

The court, as it often does, airing on the side of caution, granted my wife temporary custody of the children and restrained me, based upon her perjured testimony, from having any contact with her or my children.

We have never had domestic violence in our home and I have never harmed our children. The charges were outrageous.

Thus began an odyssey in the family court system that to this day seems like an episode from the "Twilight Zone". I owe nearly $28,000 in legal fees, largely to defend myself against untrue allegations that were made in the restraining order application and which has allowed my wife to gain advantage in the divorce action begun by her.

Historically, on March 17, 1995, Gail E. Strausberg of the Greater New Haven Task Force on Domestic Violence stated in testimony before this committee that, "restraining and protective orders are issued only after incidents of family violence as defined in 46b-38(a) section one."

It is my experience, however, that this is not the case, that it is justice likely that such orders will be granted by jurists on allegations alone.

Additionally, on January 5, 1995 Senator Upson of this committee, I believe, or on the floor of the Legislature, in discussion of an amendment, said, "It is easy to get a restraining order, especially in a normal divorce situation by way of ex parte where if someone fills out an application and alleges something and they are granted restraining orders, so there is the potential for abuse."

I affirm the Senator's assessment and claim such abuse in my own case.

May I have two more minutes?

SEN. WILLIAMS: You may go ahead and summarize, yes.

JOHN PUZZO: Alright. In discussion before the House in this same bill that Senator Upson was declaiming, Representative Mazzoccoli recalled, on May 25, 1995, that during the discussion of this bill, there was concern that when motions of this nature are filed, many times they are used to separate the children from one of the spouses. Our attention here is not to allow that to occur in any frivolous

manner. However, it is my sad duty to inform the committee and Mr. Mazzoccoli that in my experience, which cannot be unique proves his words have been insightful and prophetic.

There are certain provisions of the bill currently before you that I would support. However, there is one provision in it that in establishment of a computer file. I might suggest that this would be fine provided that the names of the attorneys were also included as part of the file as to identify lawyers who may develop a habit of unfairly using TRO's -- Temporary Restraining Orders to gain advantage in companion divorce cases.

I might also ask the committee to look into whether or not no-fault divorce should be re-visited as a law and perhaps Connecticut could follow the lead of Wisconsin where jury trials are allowed as an option in divorce.

It seems it is much too easy to get divorced and no-fault divorce may be a contradiction in terms and it is also, I believe, much too easy to get temporary restraining orders.

SEN. WILLIAMS: Thank you, Mr. Puzzo. Questions? Thank you very much.

JOHN PUZZO: Thank you. I have written testimony that I have left with you.

SEN. WILLIAMS: It has been distributed.

JOHN PUZZO: Thank you.

SEN. WILLIAMS: Thanks very much. Raphael Podolsky to be followed by Linda Cimino and Dawn Balula.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman. My name is Raphael Podolsky with the Legal Assistance Resource Center of Connecticut.

I just want to speak very briefly on SB1142 which is the Judicial Department bill that deals with the regionalization of small claims.

necessarily need to look at this right now.

I have spoken to the legislative liaison from the Judicial Department and it's our intention to see if we can't discuss this ourselves and come back to the committee with maybe some minor changes in wording.

That's all I really had to say on that bill. In terms of the concept of the bill, I don't see any problem with it.

SEN. WILLIAMS: Thank you. Questions? Thank you very much.

RAPHAEL PODOLSKY: Thank you.

SEN. WILLIAMS: Next, Linda Cimino or Camino to be followed by Dawn Balula and Clare Murphy.

LINDA CIMINO: Good afternoon, Senator Williams and Representative Lawlor and members of the Judiciary Committee.

My name is Linda Cimino and I am the Executive Director of the Connecticut Coalition Against Domestic Violence which is the network of the 18 domestic violence shelter programs in the State of Connecticut.

I have submitted written testimony and I am here briefly to testify today in support of three bills. HB6571 SB 411 HB 6839

The first bill being HB6571, AN ACT CONCERNING DOMESTIC VIOLENCE. We are here to support the language which begins to address the issue of out-of-state enforcement of Connecticut restraining and protective orders. The inclusion of this language into Connecticut General Statutes will further enhance the safety of battered women and their children if leaving the state is the only way that they can remain safe. This notice will inform police officers, court officials and other states of the federal requirements for the full faith and credit and the need to enforce Connecticut orders no differently than an order issued in the receiving state.

This change will not require anything to be done differently by Connecticut judges. The change will only require the out-of-state law enforcement and judicial personnel. Victims of domestic violence will benefit from this new language as they now will have an additional tool to plan their safety.

The second bill I am here to speak in favor of is HB6571, AN ACT CONCERNING VICTIMS SERVICES. I think the proposed bill has three important changes. The first, it brings our Connecticut statute into requirements -- into compliance with federal requirements.

Secondly, as outlined on lines 141 through 145, it only seems to make sense if retribution is paid and after five years it is not disbursed it seems to make sense to go to the Compensation Fund to assist future victims as opposed to being put into the State General Fund where its purpose could be to anything and not specifically address the need of victims.

The third change which is outlined on lines 154 through 156 which will expand the Office of Victim Services' availability to fund direct services to victims is also a really important concept as a way of not tying the hands of the Office of Victim Services.

The last bill is SB411, AN ACT CONCERNING LIABILITY OF THE STATE CONCERNING FAILURE TO AFFORD RIGHTS TO VICTIMS. Again, we are in favor of this. Our shelters provided direct services to 42,000 individuals last year. Many of those would have opportunity to take advantage of the victims rights amendment that was just newly voted in. I know this committee is working on the meaning of that. This bill will go a long way to afford victims their constitutional rights and we do support that language.

Thank you.

SEN. WILLIAMS: Thank you. Questions? Thank you.

Next, Dawn Balula, Clare Murphy, and Peg Stewart.

committing the crimes would see that the court system wasn't a joke because, unfortunately, as has been said, people just get out the next day and nothing happens.

So, I have a lot of hope in this and I think it would do a lot for the City and the entire State.

REP. LAWLOR: Thank you, Jennifer. Are there questions? Okay. Thanks very much.

Next is Martin Wheeler.

MARTIN WHEELER: Good afternoon, Mr. Chairman and members of the committee. My name is Martin Wheeler. I am a family attorney with Connecticut Legal Services and I am here today to speak on support of raised HB6839, AN ACT CONCERNING DOMESTIC VIOLENCE.

And Connecticut Legal Services feels very strongly that this is a bill that is of immense importance to residents of the State of Connecticut who have been the victims of abuse.

Most essentially, this bill would ensure that Connecticut protective orders and restraining orders are enforceable in other states and I want to emphasize that these Connecticut protection orders would become enforceable in other states only after notice and an opportunity to be heard is given to the respondent.

Some of my clients have had to leave Connecticut despite having either a protective order or a restraining order from the courts here in Connecticut because they are simply afraid of their abuser. They cannot trust that the abuser will respect the orders.

This bill then would notify the Connecticut resident that the restraining order or protective order that they have is enforceable in another state. So it serves a function, an important function of informing Connecticut residents of what their rights are under federal law.

Secondly, of course, the bill would ensure that the protective order or restraining order that is taken to another state, notifies the official in that other state that the Connecticut order is enforceable under federal law. And this is important too because it maybe that officials in other states, law enforcement officials, or even court officials, may not be aware that federal law requires that Connecticut's protection orders be enforced in their states.

I would suggest one minor change to the wording. At present, the wording identifies the federal statute by its name, "Violence Against Women Act" and then gives the citation 18 USC 22-65. A suggestion that I would ask members to consider is using the words, "under federal law" rather than "violence against women act" to make it that much more apparent to officials in other states that it's under federal law that the Connecticut protection orders must be enforced in their state.

Finally, I would just mention to members that I do not believe that the Judicial Department is opposed to this bill and finally, that we, Connecticut Legal Services, has provided written testimony to members.

Are there any questions? I am happy to try to answer those.

REP. LAWLOR: Okay. Thank you very much. Are there any questions? If not, thank you.

MARTIN WHEELER: Thank you.

REP. LAWLOR: Next is Alan Schlesinger and Alan will be followed by Alyssa Peterson and that's -- and I think Deborah DelPrete Sullivan signed up going back to the public officials part and then if there is anyone else who wants to testify, you need to tell our staff that.

A former colleague. A former Representative. Now, just a mayor.

ALAN SCHLESINGER: Just a mayor. Alan Schlesinger.

MYRA COHEN
42 Jeffrey Lane
Newington, CT 06111-1616
(860) 667-1714

001074

February 24, 1997

HB6839

To the Judiciary Committee

Re: An Act Concerning Domestic Violence

Over the past few years the State Legislature, through your Committee, has achieved remarkable improvements to Connecticut's domestic violence laws and has also recognized that more needs to be done by establishing the Task Force to Study Domestic Violence. The Task Force's Executive Summary reveals that an enormous problem exists that must be addressed and I fully endorse its recommendations.

I have some additional suggestions based on my daughter's experience as a victim who suffered emotionally, financially and narrowly escaped physical injury before, during and after her divorce.

1. Where there are no children and no alimony and absolutely no need ever for any contact between the parties, a judge should be given the authority to issue a permanent protective/restraining order and to extend permanently an existing protective/restraining order that is about to expire. The victim should not have to suffer a new incident of abuse in order to continue protection from someone who has abused her in the past.

2. A mandatory prison sentence for violation of a protective/restraining order will prevent many abusers from violating the order.

3. The abuser should be required to pay all of the victim's related legal fees.

These are suggestions that can and should be addressed now as they are preventive measures at no cost to the state.

Please continue your efforts to help the women of Connecticut.

Respectfully yours,

Myra Cohen

Myra Cohen

and

Marlene S. Cohen mc

Marlene S. Cohen (Myra Cohen's daughter)
285 Rowayton Avenue
Rowayton, CT 06853-1021
Daytime: (212) 940-5952

JOHN PUZZO
75 WILLIAMS STREET
PLAINVILLE, CT 06062
TELEPHONE : (860) 747-5193

001075

3 MARCH 1997

Hon. Michael Lawlor
Hon Don Williams
Co-chairmen, Judiciary Committee
Connecticut General Assembly

Dear Sirs,

I present testimony today on HB 6839, An Act Concerning Domestic Violence. I offer this testimony as a concerned citizen, father, and husband.

Specifically, the present laws of the State of Connecticut concerning this issue, as they are written, interpreted, and enforced, may do as much harm as the good that was intended by those well intentioned lawmakers who have created and revised these laws. There is much room for improvement in this area, and it is hoped that the testimony that I am giving will help this committee to achieve a greater understanding of why improvement is necessary.

I am the father of two wonderful children, ages 5 and 7. From the time each of my children, a boy and a girl, was six weeks old, I took care of them as a stay at home dad. I changed some 12,000 diapers, fed 18,000 meals, arranged 3.000 naps, went to the park with them about 3,000 times, built 15 snowmen, and hugged and kissed each of them at least 10 times every day.

In six years, our children never threw up, never had the runs, and never had upset stomachs, ear infections, unexplained fevers or injuries due to neglect. I did 95 % of all of the cooking, cleaning, shopping, and housework while my wife furthered her career. She makes a good salary now.

In November of 1995, after six years of marriage, my wife decided that she did not wish to be married to me anymore, and left the state with my children. No one in her family would tell me where she went. I was very distraught that my children, whom I had cared for so lovingly and for so long, were gone. I was served papers that were nothing less than bizarre. In these papers, I was accused of violently abusing my children and of neglecting them.

The court, erring on the side of caution, granted my wife temporary custody of the children and restrained me, based upon her perjured testimony, from having any contact with her or my children. We have never had domestic violence in our home, and I have never harmed our children. The charges were outrageous.

Thus began an odyssey in the family court system that to this day seems like an episode from the twilight zone. I owe nearly $28,000 in legal fees, largely to defend myself against untrue allegations that were made in the restraining order application and which allowed my wife to gain advantage in the divorce action begun by her.

On march 17, 1995, Gail E. Strosberg of the Greater New Haven Task Force on Domestic Violence stated in testimony before this committee that "...restraining and protective orders are issued only after incidents of family violence as defined in 46b-38a(1)." It is my experience that this is not the case. It is just as likely that such orders will be granted by jurists on allegations alone.

On January 5th, 1995, Senator Upson, in discussion of an amendment (B) to LCO6764, said "...it's easy to get a restraining order, especially in a normal divorce situation by way of ex parte where if someone fills out an application and alleges something and they're granted restraining orders, so there's potential for abuse." I affirm the Senator's assessment and claim such abuse in my own case.

I was forced to endure supervised visitation with my children, the children that I had cared for six years. The absurdity of the supervision is made clear by the fact that I chose my own supervisors and most of these people were unknown to me or to my wife before this and they were not chosen or approved by the court, either. The pain my children felt over this fact alone has yet to be determined but it must be considerable.

In discussion before the House on this same bill as Sen. Upson was declaiming, Rep. Mazzocoli recalled, on May 25th of 1995, that, "...during the discussion of this bill there was concern that when motions are filed of this nature, many times they are used to separate the kids from one of the spouses. Our intention here is not to allow that to occur in any frivolous manner..." Mr. Mazzoccoli, it is my sad duty to inform you that my experience, which cannot be unique, proves yours words to have been insightful and prophetic.

When my wife chose to leave me and take our children away from me, I had been a full time stay at home dad for 6 years. I am a writer and photographer with national exposure, but my career in that field essentially came to an end when we began our family. We decided together that she should keep her career since she was on an executive track. I did a terrific job at home (my wife said so on a live CNN TV broadcast) while she made regular promotions and raises in her job. We had the same ups and downs as any married couple, or so I thought. But when she did leave, she left me broke and in debt, without a job, income, or prospects, and she did so without warning.

My wife obtained a court order for me to pay her child support when I had no job. By the time I established a new career for myself, my wife asked the Family Court in New Britain to find me in contempt of the Court's order and demanded my incarceration. In granting my wife's request, this judge decided that it was of no consequence that I was about to begin a new career the very next day, and ordered my immediate incarceration. I was handcuffed and shackled in the open courtroom and taken away.

My wife earns about $50,000 annually, and lives with her mother and stepfather in Avon on 165 acres. They have maid service.

I had worked very hard to become licensed, bonded, and registered in a competitive and lucrative field and I was chosen over many others by my present employer. I could have flipped hamburgers, stocked shelves, or done any number of menial tasks, or worked two jobs and gone without seeing my children, to satisfy the court's order for the child support.

However, as the father of these children, I thought that my first responsibility was to provide for my children to the best of my ability, not to my minimum, and as soon as I could make that happen. I would not have believed that common sense would be left outside of the family courthouses in Connecticut, but my experience shows me that it can be.

For this, my wife and the court appointed attorney for the children, both, and on separate and subsequent occasions, told my children that I had to be incarcerated. These kids are 5 and 7 years old. They did not have to be told. Inasmuch as they were told, however, it was gratifying for me to learn that neither my son nor my daughter accepted the characterization of me that was offered by my wife or the children's attorney.

On the matter of violence in our family, the only person accused of any violence by the children is my wife, and she is the one who has custody. This summer, my daughter and son arrived for the court ordered visitation one day and Sarah had a four inch bruise on her left forearm that resembled finger marks. The supervisor that day was my son's former kindergarten teacher, a woman with 30 years experience teaching small children. When I asked my daughter what happened to her, she would not answer me.

I asked again, and my son, John, said, "Tell daddy what happened." Sarah said, "Mommy did it," and she proceeded to describe how my wife had hurt her, which was something that my wife had done before, to our son. I asked the schoolteacher what was her opinion. She replied that one must be squeezed awfully hard to leave such a mark. I called the police from my town, Plainville, and a patrol officer came over right away and took a photograph of the bruise and interviewed both children, who told what happened.

But DCF was not notified for several weeks and my daughter was not interviewed for a month. By then, the bruise was gone and my wife and her mother and stepfather had scared the children by telling them that their mother would go to jail if they persisted in their "stories." This is what the children said to me and what they also said to others.

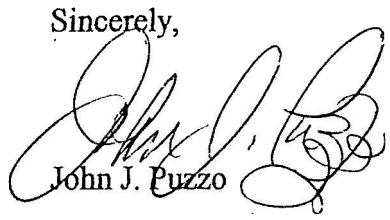
I would like to ask this committee to reflect on what might have happened to me had I not reported this incident and my daughter arrived back in Avon at their grandmother's estate with that bruise on her arm? I would suggest that I'd never have seen my children again if I were accused of causing such a wound.

After an investigation, DCF would only say that my wife "had probably engaged in some at risk behavior." Nothing was done, but the police case remains open in Avon, where the incident occurred.

Although Connecticut has an equal rights amendment to its Constitution, and although the Master Model Joint Custody Statute (which was written by the Joint Custody Association for the Uniform Child Custody Jurisdiction Act) states that "...the court...shall not prefer a parent as a custodian because of that parent's sex." (P.1, Sec. 1, sec. 100 (b)(2) the reality in Connecticut is that females are indeed preferred. This is based on my experience and observations.

The Family Courts in Connecticut must exercise the wisdom of Solomon on a daily basis. Are they equal to the task ?

Sincerely,



John J. Puzzo

50 copies to the committee.
1 copy to the press.

JOHN J. PUZZO, 75 WILLIAMS STREET, PLAINVILLE, CT 06062 // TELEPHONE : (860) 747-5193