

PA10-137

HB5246

House	1946-1993	48
Judiciary	1631-1641, 1647-1648, 1651-1653, 1655-1660, 1784-1789, 1814-1816, 1825-1830, 1837-1838, 1843, 1869, 1873-1874, 1888-1892, 1899-1900, 1908-1910, 1927-1928, 1972, 1973	57
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**H – 1079**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2010**

**VOL.53  
PART 7  
1870– 2219**

THE 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 DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure you vote has been properly cast. If all members have voted, the machine will be locked and the Clerk will please take a tally. The Clerk, please announce the tally.

THE CLERK:

House Bill 5497 as amended by House "A."

Total Number voting 143

Necessary for adoption 72

Those voting Yea 143

Those voting Nay 0

Those absent and not voting 8

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar 169.

THE CLERK:

On page 32, Calendar 169, Substitute for House Bill Number 5246, AN ACT CONCERNING THE PROTECTION OF

AND SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE,  
favorable report of the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Mae Flexer, you have the floor,  
madam.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint  
committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint  
committee's favorable report and passage of the bill.  
Will you remark?

REP. FLEXER (44th):

Yes. Thank you, Mr. Speaker.

Mr. Speaker, the bill before us today is a  
continuation of the last two bills and the work of  
your task force on domestic violence. It implements  
the last set of recommendations, the first of which  
being that in Section 1 it details the monies that are  
brought into the State through the marriage license  
surcharge are dedicated for programmings for sexual  
assault victims and for domestic violence victims.

That those monies will now go directly or be

distributed to those programs no later than October 15th every year and that no monies may be retained by the state agencies that collect those fees or by the Office of Policy and Management.

And Mr. Speaker, the Clerk has an amendment, LCO 4295. I would ask that the Clerk please call the amendment and I be granted leave of the Chamber to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 4295, which will be designated House Amendment Schedule "A".

THE CLERK:

LCO Number 4295, House "A," offered by Representative Flexer, Senator Handley, et al.

SPEAKER DONOVAN:

The Representative seeks leave of the Chamber to summarize the amendment. Any objection to summarization? Hearing none, Representative Flexer, you may proceed with summarization.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

Mr. Speaker, the amendment before us makes a number of substantial changes to the underlying bill. It deletes Sections 2, 3, 4, 5, and 6 and inserts a

new Section 2. That Section 2 changes many of the provisions of the underlying bill concerning the ability of victims of domestic violence to break their leases with 30 days notice.

It is drafted in order to mirror existing statute, Section 8 of our statutes, Section 8 116b, that allows seniors who get into senior housing to break their leases. This amendment, the language here mirrors that provision of existing statute.

The amendment also strikes the other provisions of the bill that dealt with landlord and tenant issues and housing issues for victims of domestic violence and it does have new language concerning the Department of Public Health developing public service announcements concerning the issue of domestic violence. I move adoption.

SPEAKER DONOVAN:

The question before the Chamber is adoption of House Amendment Schedule "A." Will you remark?

Remark further? Remark further?

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

Some questions to the proponent, through you,

please.

SPEAKER DONOVAN:

Please proceed, sir.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

I heard you indicate that several sections were being stricken if this amendment were to be enacted dealing with landlord-tenant issues. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

Yes. It is correct.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

So if we were to adopt this amendment, the only section that would deal at all with landlords and tenant relations is what would be Section 2.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes, Mr. Speaker.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, could the proponent tell me what the difference would be in this Section 2 in the amendment before us as compared to the corresponding section that we're striking in the underlying bill?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

Yes. The difference between Section 2 of the underlying bill and Section 2 of the amendment, there are several. One difference is the types of notice and written statements that the victim would need to provide to demonstrate that she is, in fact, a victim of domestic violence.

The underlying bill had several different professionals that could give such notice. Many of

those have been stricken of the bill, including the terms, "attorney," "other advocate" and "employer agent of victim services organization."

Now the amendment states very clearly that it has to be someone from a victim services organization, an employee of the Office of Victim Services, an employee of the Office of Victim Advocate or a police record showing domestic violence or protective order or a restraining order.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, so the victim under this amendment would be required to notify their landlord and include a statement that that tenant is a victim of family violence, a statement that they're intending to terminate the rental agreement as well as a copy of a police or court record related to the family violence.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. That is accurate and also there is the additional statement that can be provided from that victim advocate that I talked about from the victim services organization, the Office of Victim Services or the Office of the Victim Advocate.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, but the statement as you indicated that may be provided through an employee of the Office of Victim Advocate, that would be in lieu of number 3 -- or I'm sorry, letter "C," a copy of a police or court record.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. That is correct.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again through you, the copy of a police or

court record, would that include just a complaint, which may not have been substantiated?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

The copy of the police or court record, it would have to be reasonable that the victim was in fact -- or that the tenant was, in fact, a victim of domestic violence.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you.

And I guess under that definition, then a person who just filed a complaint against somebody, but there really wasn't any basis or any evidence to support that claim, would that be considered evidence or an appropriate record to submit?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

The evidence would have to point to the fact that

the tenant is, in fact, a victim of family violence, as defined in 46b-38a.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And as I read this, all three of those components would be required to be submitted to the landlord. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

That is correct.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And I believe I heard the proponent say that this particular -- the language of this amendment is mirrored after another statute that affects, I believe, senior housing. Could the proponent elaborate on that?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. Through you, Mr. Speaker, the underlying language -- or the language in the amendment before us is modeled after Section 8-116d of our existing statutes concerning the termination of a rental agreement or a lease for someone who has applied for senior housing.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, so in a case where a senior may apply for senior housing, they're put on a waiting list, they enter into a rental agreement with a landlord.

Under existing law, they get notified from the senior housing complex that an apartment has become available. Under existing law, they can then break the lease with their current landlord within 30 days.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, yes. That is correct. The tenant in the particular situation would have to provide 30 days notice to their landlord.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And again, through you, in the language that's before us, does that in any way relieve the tenant from any liability to the landlord for any arrearage or perhaps payment due to property damage?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

No. It does not.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker.

And moving on to the new Section 3, it appears that that's new language dealing with a public service

announcement. Was that in the underlying bill?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes, Mr. Speaker. The concept of public service announcements was in the underlying bill. The language before us in this amendment is slightly different. It's a compromise that's been worked out with the Department of Public Health.

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker and I thank the proponent or her answers.

Mr. Speaker, I believe the amendment before us goes a long way in addressing a lot of the issues that were raised since this bill left the Human Services Committee. I'd like to thank the proponent for all of her hard work and also encourage my colleagues to support it.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative D'Amelio of the 71st District.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

A few questions through you, to the proponent of the amendment, please.

SPEAKER DONOVAN:

Please.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

Just trying to better understand this amendment.

If a person is a victim of family violence in any way they have the right to terminate a lease that they have with the landlord.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

Through you, I don't know that I would say, in any way. The tenant would have to prove that they are, in fact, a victim of family violence as defined in existing statute 46b-38a.

And they would have to provide written notice and a statement that they intended to terminate the

agreement and a statement proving that they are, in fact, a victim of family violence, that either came from a police or a court record or a signed written statement from a victim services organization, an employee of the Office of Victim Services or someone from the Office of the Victim Advocate or another medical professional.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

And through you, in those statements does it have to show or prove that the victim would, you know, would be unsafe living in the apartment? At the time would there have to be just cause for them to move out of their apartment?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. Both the tenant and the professional verifying the fact that the person is a victim of domestic violence would have to demonstrate there's a reasonable belief for the person to be in fear of

their safety.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

Just, you know, again, I don't want to belabor this, but you know, if a person is a victim of domestic violence and there's restraining orders that are issued, doesn't that provide some safety net for that victim?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. It certainly does. Through you, Mr. Speaker, and a restraining order would also be one of the things this tenant could provide to demonstrate that she does have that reasonable fear and needs to violate -- or excuse me, needs to break her lease.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

In line 21, it says, or other licensed

professional from whom the tenant or the tenant's child has sought assistance with respect to family violence. Can you just explain to me what type of professional that that's trying to, you know, that's trying to talk about?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Thank you.

Through you, Mr. Speaker, that other licensed professional could be a variety of folks that frequently work with victims of domestic violence. It could include counselors, who victims of domestic violence often turn to to determine the best way to engage in their safety plan. It could include a psychologist or a social worker as well.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

And if this victim, you know, if this is like their second time or third time that they're going through their -- this, is there anything in this

legislation that, you know, prevents them from, you know, continuing in this relationship and being a victim of violence and moving from one apartment to another?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

No, Mr. Speaker.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker.

So the way I understand it, if someone is a victim and, you know, they have all the proper paperwork, they're able to terminate their lease. The need to -- they're required to give 30-day notice to the landlord. Is that correct? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. They have to give 30 days written notice.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Okay. And if there's any damage done to the apartment, and their security deposit is -- or if there is no damage and if there's a security deposit given, but, you know, they're able to, you know, break their lease and there's maybe three months left on their lease and the landlord is not able to rent that unit, does the security deposit have to be given back to the victim?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

Under this amendment, the tenant would still be accountable for the 30-days period that the rent -- that rent would still be due. And as far as the issue concerning security deposits, that would fall under existing statutes regarding the return of security deposits.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. CAMILLO (151st):

Well, the way I understand the way the law is today, if you sign a one-year lease and you decide to, you know, terminate that lease and six months into the lease, you know, you give the 30-day notice to a landlord. If he's not able to rent that unit after that 30-day, he's able to keep that security deposit for compensation. So if that's true, then that falls within this amendment.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

This amendment and the underlying bill do not change any existing statutes regarding security deposits.

SPEAKER DONOVAN:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker and I thank the gentlelady for her responses.

You know, I'm a little conflicted through looking at this amendment. I'm going to listen to the further debate.

But you know, I just want people in the Chamber

to realize that, you know, when landlords -- some of them are in business to make money, but some of them, like in Waterbury, are a two-family house owner. It's a new couple that just purchased a property. There's two units in the building and they rely on that rent to pay their mortgage. Their mortgage doesn't stop coming in. They're required by law to pay their mortgage, to pay their light bill, to pay the taxes on the property.

I have -- I am very sympathetic to domestic violence, and any victims to it, but I just don't understand. You know, there's so many services out there that are for people; that are for victims.

Why we're able to just break a lease and, you know, the onus falls on a landlord. There's many property owners in the city of Waterbury that are struggling to make ends meet. And you know, this is just another curveball in their direction, but as I said, I'm going to listen to the debate and hopefully I'll get more out of this.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Alberts of the 50th District.

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REP. ALBERTS (50th):

Thank you, Mr. Speaker.

If I may, a question to the proponent?

SPEAKER DONOVAN:

Please proceed, sir.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

In line 21, we address -- excuse me, line 20, we addressed professionals who are licensed and I believe the example might have been given of a social worker. This reference also exist for medical or other licensed professional.

Through you, Mr. Speaker, who would the proponent consider a medical professional? Are we talking about a pediatrician, a licensed nurse?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, a medical professional would be anyone from whom the victim has sought assistance in dealing with her status as a victim of domestic violence and that medical professional could demonstrate and attest to that fact.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Through you, Mr. Speaker, what would be the qualifications of that medical professional? Is that someone who is a pediatrician? Is it someone who might be a registered nurse? Is it someone who is licensed by some element of state government?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, that person would be a licensed medical professional.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

I think I'm on a stumbling block here, Mr. Speaker. Would the -- for purpose of legislative intent, would the proponent consider a pediatrician a licensed professional?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Yes. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker.

And again, for legislative intent, a licensed practical nurse, a registered nurse; would these two categories also rise to the level of a licensed professional?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, yes.

SPEAKER DONOVAN:

Representative Alberts.

REP. ALBERTS (50th):

Thank you, Mr. Speaker and I thank the proponent for her responses.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Rebimbas of the 70th district.

REP. REBIMBAS (70th):

Good evening, Mr. Speaker.

Mr. Speaker, through you to the proponent of the

bill.

SPEAKER DONOVAN:

Please proceed, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, this is a bill that I actually supported in Appropriations as many members have. I'm a little concerned regarding the amendment that changes so much of the underlying bill. That I was wondering what the purpose of the reason was for bringing forth the amendment.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, the purpose of the amendment is a number -- has a number of purposes. First of all, the amendment eliminates the fiscal impact of the bill, which was, of course, an important factor for us to consider before we debated this bill on the House floor.

It also was an effort to compromise with a number of varied interests who had a stake in the language and the underlying bill and we made great efforts to

find common ground with a number of stakeholders. And that is the -- those are the two main reasons for the amendment.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And Mr. Speaker, through you, if I could just have clarification as to the fiscal impact that was clarified or eliminated as a result of the amendment.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, the amendment eliminates Section 6 of the underlying bill. Section 6 of the underlying bill allocated \$2.25 million for the purpose of 24-hour-a-day, 7-day staffing of our domestic violence shelters.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, just a few more questions just to clarify the purpose of the bill and the understanding of the bill as we move

forward -- the amendment as we move forward.

Is there any type of relationship requirement that a tenant would have to have in order to exercise this type of a relief?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, I do not believe that there is.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, so when we talk about domestic violence, that can be between married couples, that could be between two individuals cohabiting. Could that also include between a parent and a child?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, yes.

The victim of family violence would be able to -- would have to have experienced family violence as defined in 46b-38a of existing statutes, which includes the examples that you just gave.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, is there anything that prevents a potential landlord from inquiring from a potential tenant whether or not they have had any type of history or experience with domestic violence?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, I am unaware if there is existing statute concerning that, but there isn't anything that would prohibit that in our amendment or the underlying bill.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, just again, just clarifying the intent of the amendment. Is it only the victim that actually gets released from the written lease? In other words, if there's multiple people on the lease and it could either be someone who actually lives in the property or a cosigner, someone who physically does not live on the property; who exactly is released as a result of this amendment?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, in the language of the amendment the only person who would be released from the requirements of the lease would be the victim of domestic violence.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

So that, with that response, there is nothing that prevents the landlord from pursuing an action to collect on unpaid rent for the life of the rest of the lease from any other signer on that lease other than the one victim. Is that correct?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, that is correct. The amendment would not prevent another person who is party to the rental agreement from being responsible for the remainder of the rental agreement.

And it would also -- the amendment does make it clear that if the victim of domestic violence had owed other rents prior to a notice to terminate her lease she would be responsible for those as well.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, a hypothetical to the proponent of the amendment: if both parties that are renting the property claim to be victims of domestic violence, so both were part of an altercation that occurred, is it possible for both parties to then have the ability to exercise what's being proposed this amendment?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, any party that wanted to break their lease under the requirements of this amendment would have to provide the same written notice, the 30 days that they intended to break the lease, a statement that they were, in fact, a victim of family violence as defined in 46b-38a, and a copy of the police report record or the signed written statement from the victim services organization, the Office of Victim Services, the Office of the Victim Advocate or the other medical licensed professional, as described in the amendment.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you.

Through you, Mr. Speaker, so in other words that would be yes, if both parties were able to satisfy those three components and both parties claimed to be, obviously victims of domestic violence, then both would be able to break the lease, correct?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, if two parties were able to meet the requirements in the amendment, then yes.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, if the perpetrator in this situation vacates the property, either by a court order or voluntarily, is the victim still able, if the victim provides all of the criteria under this amendment, still able to break the lease?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, yes. If the victim had a reasonable belief that they had to be in fear of their personal safety, they would be able to break their lease.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, during the 30-day notice period that, let's say that it's fulfilled and provided to the landlord, would the landlord still have the ability to show that property?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, I would assume that the landlord would have the ability to show that property.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

I just want to bring the proponent of the bill -- highlight lines 21 through 22. This is regarding the third portion, section "C," that highlights one of the third requirements in order to fulfill for the victim to be able to break the lease. I have serious concerns regarding the language as it says, or a medical provider or other licensed professional.

Through you, Mr. Speaker, if the proponent of the amendment could give me a definition of a licensed professional.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, the language in the amendment concerning medical or other licensed professional could include a wide variety of professionals from whom the victims of domestic violence often seek assistance.

As mentioned earlier, those could include counselors, psychologists, social workers, pediatricians as was mentioned earlier, and nurses.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Mr. Speaker, I understand the intent when it says, medical. That's clear and I would certainly, you know, believe that those people would be in a position to adequately provide those statements, but my concern is that it goes a step further.

And it says, medical or other licensed professional. When I think of licensed professional, I think of clergyman, I think of realtors, I think of attorneys, I think of teachers, all of which may be

individuals that those victims of domestic violence may go to.

And unfortunately I don't know whether or not, you know, at times they may be the most appropriate people in order to then provide a statement or of there might be ulterior motives. It's very subjective, the information that's being providing.

So I do have some concerns regarding that language and I'm not exactly sure based on this amendment in that provision there, if this is something that I'm going to be able to support because it's so broad.

Through you, Mr. Speaker, one more clarification regarding the requirement of the public announcement. There is a requirement that it's a one-time television broadcast. Is there a reason why it was specifically a television broadcast, which my understanding is quite costly compared to any other type of educational public announcement or public forums that could be provided?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, the language as I mentioned earlier in Section 3 of the amendment, was worked out very carefully as a compromise of the Department of Public Health. And the term "television broadcast" was chosen because the Department of Public Health often will receive additional grant monies, perhaps from other sources including federal sources, to run such broadcasts.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker is there any specific length of time that the broadcast would have to be on the television?

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, no. There was not. That determination is clearly left up to the Department of Public Health.

SPEAKER DONOVAN:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I would also like to take this time to thank the proponent of the amendment for all of her responses.

Unfortunately, as indicated earlier, this amendment is considerably different from the bill, and for those reasons I'm going to have to listen to further debate to determine how I'm going to be voting on this.

Just to highlight, I think there was a lot more support for the other bill because there were some specific requirements regarding a payment history from the tenants that would show a good-faith effort that these are not individuals that are going to be apartment hopping.

Unfortunately, there are situations where people will go back to these relationships, they'll have the ability to break from one lease, go on to the next apartment and be able to do the same. And there's nothing here that secures that interest on behalf of the landlord.

And for anyone that's out there that has investment properties, most landlords already do not

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bring eviction actions or even bring actions to get back rent arrearage of payments of rent or take them to small claims because it is so time consuming and so costly. That unfortunately, I think as the amendments is proposing, this is just one more thing that's going to make life for these landlords, which again, there's no distinction --

One of the things that was brought up during the Appropriations Committee meeting that was welcomed at that time was possibly making a distinction between a 2-unit facility versus a housing unit that had six apartments. Because most -- a lot of landlords, it's not a profit. They're just making ends meet with paying for taxes and insurance and mortgage. And although 30 days seems like a short period of time for us when we say that, the reality of it is it's going to take, obviously, the time for the landlord then to be able to find another tenant to rent the apartment. At which time, there are also costs that the landlord has to expend at times, which would be for an announcement in a newspaper. So a variety of other things.

So this is just one more component that I think is a very good proposed bill, as it was without this

amendment. I think this amendment, the language is much too broad, much too loose if there is serious concern for abuse.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Scofield of the 16th District.

REP. SCHOFIELD (16th):

Thank you, Mr. Speaker.

Actually, Representative Rebimbas raised a number of the concerns that I had as well, particularly in line 21 and 22, looking at the definition of medical or other licensed professional. I wish it said it was a medical professional, a licensed medical professional but it says, a medical or other licensed professional, which could be a licensed plumber, could be an accountant.

And my concern is that as you go further in that sentence in line 22, that it doesn't even require that the tenant has sought medical assistance from the professional or assistance in the context of their profession. So if your neighbor happens to be a plumber and you run out of the house and they hear your pleas and you've sought assistance from them,

they would be able to write you a note under the way this is written. And I know that's not your intent.

I know that your intentions are good here and I want to support this bill, but I'm worried that the way that this is written in its exact language could be misinterpreted in a way that could result in significant abuse.

I also want to echo again, what Representative Rebimbas said that when we were in Appropriations, Senator Duff raised the issue. And I understood there was acceptance or agreement that we would change the bill to apply to rental properties of six units or more. And I'm not seeing that here.

So let me just ask, through you, Mr. Speaker, a question to the proponent of the bill, does -- am I missing this somewhere? Is there a restriction to units of six or more?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, may I ask that the question be repeated?

SPEAKER DONOVAN:

Representative Scofield, could you please repeat

the question?

REP. SCHOFIELD (16th):

Certainly. In the Appropriations discussion on this, some of the folks that voted for it did so contingent on an understanding that it was going to be amended to apply to rental units of six or more, but I'm not seeing that language here. Am I missing it somewhere?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, I am unaware of the agreement that the gentlelady is talking about.

SPEAKER DONOVAN:

Representative Scofield.

REP. SCHOFIELD (16th):

Through you, thank you, Mr. Speaker.

So is there any language in here that limits this effectiveness to rental units of six or more?

SPEAKER DONOVAN:

Representative Flexer.

REP. FLEXER (44th):

Through you, Mr. Speaker, no.

SPEAKER DONOVAN:

Representatives Scofield.

REP. SCHOFIELD (16th):

Thank you to the proponent of the bill and thank you, Mr. Speaker.

I do have some concerns about this amendment and will have to think about how to vote for it.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Would you care to remark further on the amendment? If not, let me try your minds. All those in favor of the amendment, please signify by saying, aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed, nay.

REPRESENTATIVES:

Nay.

SPEAKER DONOVAN:

The ayes have it.

The amendment is defeated -- I mean, the amendment is adopted. I'm sorry. I'm sorry. All

right. I was talking about a different LCO. That one was defeated, but LCO 4295 is adopted.

Remark further on the bill as amended? Remark further on the bill as amended?

Representative Shawn Johnston.

REP. JOHNSTON (51st):

Thank you, Mr. Speaker.

Mr. Speaker, I had a couple of amendments drafted on the bill. I wanted to thank the proponents of the bill for trying to address the landlord issue.

I think for the most part, they took out a large part of the damaging part of it. I think they left something in that still gives me great pause. And philosophically, I have trouble with it because at the end of the day, we're saying that because of a domestic violence situation, in that victim's safety and best interests, there may be a very valid reason why they would need to move from that place of residence. And I understand that.

But saying that, I don't think we as lawmakers who determine that that's important should then pass the cost of that on to another innocent victim, in this case, the landlord, who is not the perpetrator of the violence and who, quite frankly, by luck of the

draw ended up with a tenant that was the victim of domestic violence.

To me, it would have seemed a lot more appropriate for us in this building to put the funds aside so that if that second innocent victim, in this case, the landlord, had a financial loss based upon a contractual agreement that they had with the tenant, that the State would reimburse the landlord for that loss.

So the argument isn't against the underlying protection for the victim and their well being and I think it's well intended. My final disagreement with it is that we're basically telling someone else that they're going to pay the cost of our generosity for good means, where in fact, we ought to say to everyone across the state of Connecticut, it's our responsibilities as citizens of this state for the protection of these people, that we all ought to step up to the plate.

So we're telling the landlord by virtue of the draw, that they're going to pay the cost of financial loss that they would have for possibly not being able to rent out that apartment.

And for that reason, when we cast the vote on the

final bill, Mr. Speaker, I will be in the negative.

Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Remark further on the bill? Remark further on  
the bill?

Representative Flexer.

REP. FLEXER (44th):

Thank you, Mr. Speaker.

I'd like to just make a few closing comments  
about the underlying bill. This bill and the last two  
bills that were debated in this Chamber during the  
past hour are a culmination of several months worth of  
work and there are several people that I would like to  
thank.

First of all, I'd like to thank Speaker Donovan  
for his leadership in creating this task force and its  
great efforts for moving these proposals forward here  
in the House and in the Legislature as a whole.

I'd also like to thank all of the members of the  
task force: Representative Abercrombie, Representative  
Baram, Representative Carson, Representative Chapin,  
Representative Conroy, Representative Cook, Senator  
Doyle, Representative Fox, Representative Fritz,

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Representative Green, Representative Jarmoc,  
Representative Lewis, Representative Lyddy,  
Representative Rojas, Senator Roraback, Representative  
Sayers, Representative -- excuse me, Senator Stillman,  
Representative Walker and Representative Wood.

I also like to take this opportunity to thank the  
input that we got from many survivors, many families  
of victims of domestic violence, advocates, service  
providers, educators, law enforcement and the  
Department of Public Safety, the state's attorney's  
office, the judicial branch, the Department of  
Corrections, the Department of Children and Families,  
the Office of the Child Advocate, the Permanent  
Commission on the Status of Women, the State  
Department of Education, Southern Connecticut State  
University, the Center for Youth Leadership, Hartford  
Hospital's Domestic Violence Prevention Program, the  
Department of Social Services, housing advocates  
including the Legal Assistance Resource Center, the  
Office of the Victim Advocate, and the Department of  
Administrative Services.

I'd also like to thank the many staff members of  
the Office of Legislative Research, the legislative  
commissioner's office and the Office of Fiscal

Analysis, who worked so diligently on this bill. And members of our staff here in the House, Democrats, and in particular, Cara Passaro, who worked day and night for the last eight months on these bills and on this task force and we thank you very much for all of your work.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Care to remark further? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE 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.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all members have voted, the machine will be locked. The Clerk will please take a tally. Will the Clerk please announce the tally.

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THE CLERK:

House Bill 5246 as amended by House "A."

Total Number voting 144

Necessary for adoption 73

Those voting Yea 125

Those voting Nay 19

Those absent and not voting 7

SPEAKER DONOVAN:

The bill as amended is passed.

Will the Clerk please call Calendar Number 285.

THE CLERK:

On page 40, Calendar 285, House Joint Resolution Number 45, RESOLUTION CONFIRMING THE DECISION OF THE CLAIMS COMMISSIONER TO DISMISS THE CLAIM AGAINST THE STATE OF WAYNE SPARKS, favorable report of the Committee on Judiciary.

SPEAKER DONOVAN:

Representative Olson.

REP. OLSON (46th):

Good evening, Mr. Speaker.

Mr. Speaker, we are now about to vote on today's consent calendar. These are items that we moved to the consent calendar in today's session.

The items are Calendar Number 274, 277, 278, 279,

HJ7 HJ14

HJ15 HJ19

HJ27 HJ45

HJ48 SB127

SB133 SB137

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**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
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cd  
SENATE

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Motion to place the item on consent?

SENATOR LOONEY:

Yes, thank you --

THE CHAIR:

Seeing no -- seeing no objections, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, next item to call is calendar page 12, Calendar 491, House Bill 5246; and the next item to call after that, Mr. President, is back on Agenda 3 and it will be -- will ask to take up Senate Bill 218 but first is calendar page 12, Calendar 491.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Calendar page 12, Calendar Number 491, File 314 and 659, Substitute for House Bill 5246, AN ACT CONCERNING THE PROTECTION OF, AND SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE as amended by House Amendment Schedule "A," favorable report of the Committee on Human Services, Judiciary and Appropriations.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

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Thank you, Mr. President.

I move acceptance of the joint favorable committee report in concurrence with the House.

THE CHAIR:

Acting on approval and acceptance, sir, would you like to remark further?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

This bill is another one of the three domestic violence bills that deals with public service announcements for teen dating issues, also surcharges for the distribution of the marriage license proceeds, also has some provisions in connections with landlord/tenant which will be amended by the next bill.

I urge the chamber to approve the bill.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Through you, just a question for the proponent of the bill?

THE CHAIR:

cd  
SENATE

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Senator Doyle.

SENATOR KANE:

Senator Doyle, I know you've been working hard on -- on a couple of issues in regard to this bill. One of which was the landlord/tenant issues that were worked out. Can you tell us that that -- for clarification that that has been worked out? Through you.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Through you, Mr. President, yes, that issue has been worked out and it will be resolved within -- we're going to take a roll call vote on this bill, the next bill is AN ACT CONCERNING SAFE HAVENS. There is an amendment in that that I will explain that addresses our concerns in landlord/tenant. Through you, Mr. President.

THE CHAIR:

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

Senator Doyle has answered my questions, and I look forward to supporting the bill.

THE CHAIR:

Thank you, sir.

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Will you remark further?

Senator Stillman.

SENATOR STILLMAN:

Thank you, Mr. President and all the best to you as well, sir.

THE CHAIR:

Thank you, ma'am.

SENATOR STILLMAN:

It was a very nice moment we had sharing with you.

I rise in support of this bill, and I thank Senator Doyle for his hard work in trying to work out some last minute resolutions. I look forward to voting on those resolutions as we move forward.

As we all know, there were a series of three bills addressing this horrific issue of domestic violence in the state. I served on the task force. The task force worked very hard, and I appreciate the support of -- of the circle.

Thank you, sir.

THE CHAIR:

Thank you, ma'am.

Will you remark further on the bill?

Senator Doyle.

SENATOR DOYLE:

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Mr. President, I request a roll call on this bill.

THE CHAIR:

A roll call vote will be ordered, sir.

Would you remark further on House Bill 5246? Will you remark further on 5246?

If not, Mr. Clerk, please call for roll call vote.

The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

Immediate roll call vote has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of House Bill 5246 in concurrence with the action of the House.

Total Number of Voting	35
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Those voting Yea	35
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Those voting Nay	0
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Those absent and not voting	1
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THE CHAIR:

cd  
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The bill passes.

Mr. -- Mr. Clerk.

THE CLERK:

Calling Senate Agenda Number 3, Substitute for Senate Bill 218, AN ACT CONCERNING SAFE HAVEN CASES, as amended by House Amendment Schedules "A" and "B," favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Doyle.

SENATOR DOYLE:

Thank you, Mr. President.

I move acceptance of the joint committee's favorable report and passage in concurrence with the House.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, would you like to remark further?

SENATOR DOYLE:

Yes. Thank you, Mr. President.

This bill that's before us before the underlying bill deals with safe haven cases, clarifies the procedures for mothers to present their children for -- to the safe haven area.

It also has two amendments. And I'll highlight one amendment, the House would be LCO 555. This is the,

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we're going to hear of the culmination of all their hard work they've done over the past few months. And I believe it's actually -- it was -- the idea of our speaker Chris Donovan and that being said we're going to first hear in the first hour from state agencies and municipal leaders. Then after that we go to the public.

And with the public we'd like to keep your comments to three minutes. And I know it may seem short, but the truth is -- so everyone can get an opportunity to be heard, we'd ask everyone to try to keep to that three minutes. If you hear the bell, please quickly summarize your testimony.

And then the legislators will have the opportunity to present questions to you. And then finally there doesn't seem to -- even though it's two committees, the room isn't full, that a lot of legislators have a lot of other meetings going on. So, some are listening in their offices. Others are at committee meetings.

I know the Transportation Committee has an important meeting this morning. So a lot of legislators will be in and out, but we all can read the testimony and will read the testimony ultimately. So at this point I'd like to begin the first speaker is actually our speaker, Christopher Donovan.

Mr. Speaker.

CHRISTOPHER DONOVAN: Good morning Chairman Doyle, Chairman Walker, members of the Judiciary Committee and Human Services. Good to see you here this morning. First of all I just want to thank both committees as well as the

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Education Committee for raising these important domestic violence bills. It seems like everyday we're hearing on another case of domestic violence.

And as legislators, we certainly feel the responsibility. What can we do about it? And certainly the product we have here before us, in terms of judiciary bills, human service bills, is a great product due to a lot of work of a lot of people.

I want to particularly thank Representative Mae Flexer for her -- her (inaudible) 'chairing the task force as well as Representative Fox for his work on the judiciary aspect of these bills to do -- as well -- as well as many of the advocates, whether judicial, enforcement, the coalition against domestic violence, everybody working together. Everybody came together and said here are our ideas.

Here's what we can do to prevent violence. Here's a way -- here's what we can do to help those and hear our ideas in order to make people feel safe in our community. Just quickly, the statistics which are sobering, on average Connecticut sees 20 to 25 murders related to domestic violence each year, 20 to 25.

It's tragic and we need to do something about that. The other statistic is that there are about 50,000 assaults every year in Connecticut, 50,000 assaults. And we hear about Homeland Security, we need home security as well. And the proposals we have here are ways to combat that violence and help people feel more safe.

In the House Bill 5497, strengthens the

enforcement of protective orders. And we have protective orders. We have restraining orders. Protective orders ought to protect. Restraining orders ought to restrain. And by involving all the agencies and have better communications done among the state but with other states. So that people can know that people are aware what's going on. And they can help protect family members.

The other is, which I think is the -- is a very interesting idea, and it's used in other states, is permitting judges to order GPS monitoring of domestic violence offenders. If victims know that someone is approaching in a certain area, it can give them warning. And they can take needed action.

We're looking at the cost of that being born by -- by the offender. So that if they offend, they pay the cost of the GPS. Certainly people we know of cases where people have alcohol problems, they can't start their car without breathing into a certain tube and then moving forward. People who have a history of domestic violence, should be required to wear these GPS devices so people can know what's going on and have their -- and be protected.

Others -- other information here as well, House Bill 5246 in the Human Service Committee, deals with certainly the support services that are provided for families. And we want to make sure that the funds that are collected via the marriage license is distributed to all the needed agencies.

There are other proposals in that Human Services Committee that deal with the ability of families dealing with domestic violence to

have the opportunities to deal with their needs in a way that -- you know, jeopardize their job, or jeopardize their place of living. And then also encourage the committee to consider one thing that came up in the task force that we're still looking for funds, is the use of funds for public service announcements to raise the awareness of teen -- not only dating but domestic violence.

So often on television, we see violence. We see violence on television. And I think it's important for us as a state to say here's a message. Stop the violence. And I think that's very important. And I think the state can play a role in that. So, again, I would like to thank Representative Mae Flexer, Representative Fox, members of the task force and all the people who are very tirelessly or making sure that these protections are affordable to the people in our state.

Again, I want to -- I think the -- the best part was we came with a bill almost written. It's because people worked in the off season and worked hard. And I -- again I want to thank the people for all their hard work on this. So, thank you very much.

SENATOR DOYLE: Thank you, Mr. Speaker. And thank you for pointing out Representative Fox to the (inaudible). I wasn't aware of that. I do appreciate that. Any other --

CHRISTOPHER DONOVAN: He's -- he's on other committees. So you don't see him in human services.

SENATOR DOYLE: Yes.

Any questions from committee members?

Representative Walker.

REP. WALKER: First of all, I want to thank you Speaker for all your commitment to trying to address the issues that so many people have to struggle with everyday. And I think with these economic times, we see a heightened number of them. Especially because people are under stress, and I think your sensitivity to that is really something we should applaud.

I also want to thank Mae Flexer for -- Representative Flexer, sorry, better known as Mae in our committee, because she has been so committed to this issue. She -- and -- and Representative Fox have done a wonderful job in trying to provide us with the information. And I think -- this is a beginning.

I think this is really just a beginning because it is such a hard thing to address because it's emotion and it's stress. And it's change. And I think we have a lot of work to do on that. So -- but I thank you and commend you for all your hard work this session especially in trying to work on different issues that we need to address.

So, thank you very much.

CHRISTOPHER DONOVAN: You're welcome. Again, I just want to stress again, this is -- is everybody worked together. I guess the best thing I -- I thought of was picking Mae to be the chair. She was able to pull everybody together and make everybody really work well together. And again, I want to thank her for her hard work. Thank you.

SENATOR DOYLE: Thank you.

Any other questions?

Representative Fox.

REP. FOX: Thank you, Senator Doyle. And thank you, Mr. Speaker for -- for being here today. When -- when I first heard that you had formed this task force when we were out of session, with the purpose of meeting during the off session to create legislation that we could pass, hopefully within the next month or so. It certainly seemed like a good idea given the number of cases in our criminal courts that are domestic violence related.

It's about one third of our cases --

CHRISTOPHER DONOVAN: Right.

REP. FOX: -- in the criminal court as a whole that represent domestic violence cases. And I certainly applaud the -- the selection of Representative Flexer as the chair whose has done an excellent job. And I know will continue to do an excellent job until a law is actually passed and a bill is passed. Which we expect to do this session.

But during the time that you formed the task force and to date, we have seen even more incidents take place. And it just made the need for this task force and for the types of laws, the strengthening of our criminal statutes even more prevalent to all of us.

And so I think there is a sense of urgency that we want to get something done now. And also to get something done that actually will be effective and can work going forward. So, thank you again.

CHRISTOPHER DONOVAN: Thank you. I think you're absolutely right. There's a real sense of urgency. Appreciate it.

SENATOR DOYLE: Thank you.

Any other questions? Or comments?

Representative Thompson.

REP. THOMPSON: Thank you. Good morning, Mr. Speaker.

CHRISTOPHER DONOVAN: Good morning, Representative.

REP. THOMPSON: One of the things I wasn't mentioning in remarks and I think maybe important to know and I haven't seen the task force report. And that is the significance of public health care in our communities. We have now a system nurturing families where every child born in our state, all 29 birthing hospitals, the families will be assessed for risk.

And one of the things -- one of the actual subjects that cover is if there's any history of domestic violence or a teenage pregnancy --

CHRISTOPHER DONOVAN: Right.

REP. THOMPSON: -- and there are often services to prevent abuse or violence to the infant. And 95 percent of those who are offered that service accept it. And they are identified by an assessment of, you know, if there is a history. Secondly in the continuation of that system, you have a school based health centers who will see kids who come in everyday and some kids will come in with a black and blue

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mark or something --

CHRISTOPHER DONOVAN: Yes.

REP. THOMPSON: -- and that will probably be if the school is on the ball, would be -- that child will probably be referred to the school nurse. But when you have a school based health center, it's probably an automatic. And we don't have those in everyone of our schools.

We have school based nurses hopefully. And that's another step in that direction. And then finally there are in the -- every community, there are or should be some type of public health service. Many of our communities including yours and mine have access to federally qualified health centers where people who do -- would not ordinarily be able to get to a doctor.

Who get a -- may go in unannounced and be seen.

CHRISTOPHER DONOVAN: Yes.

REP. THOMPSON: And they work very closely with the hospital. My -- my community for example is a frequent exchange so that people who do not require emergency service but show up at a hospital gets referred to the qualified health center. And then (inaudible) an internal record system.

So, I -- I hope that on your leadership that we will see some of this. And I -- I know Representative Flexer is a -- a big fan. We don't want to put her on the spot. But the federally qualified health centers. So, I hope that would be one of the major considerations because I see in the budget

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recommendations we've seen so far.

There are threats to the federally qualified health centers. Although Washington is picking up the ball there.

CHRISTOPHER DONOVAN: Yes.

REP. THOMPSON: And there are other threats. And I don't think it's so much of people want to deny that service as they don't fully appreciate the service. And I think it's a valuable -- as you probably know. So.

CHRISTOPHER DONOVAN: Yes. I think you made a very good point, Representative. And especially with the nurturing families agencies which a lot of people don't know about it. Because they do such a good job. But it's people who -- who help new families and understand what it is to raise children, parenting skills, providing a lot of support.

There's one in my community. I've seen them in action. And they provided a much needed service for people who maybe do not understand the intricacies and the responsibilities of raising a family. And there -- there could be frustration one time. And these people can move right in. Provide those skills, support et cetera. Which can make thing a lot easier for everyone.

So, I think as we're moving forward on -- on the legislation before us, which can make some positive steps, we also shouldn't move backwards on some of these already established programs that have helped make our communities safer. So, very good point. Thank you, Representative.

SENATOR DOYLE: Thank you.

Any other comments?

Seeing none. Again I would just like to thank you Mr. Speaker for your leadership and vision. And Representative Fox said unfortunately since you created this task force, there's been some very unfortunate high publicity issues or examples of the domestic violence that really, you know, send home the message to all of us.

This is for important legislation. That being said, today we have nice public hearing. But we do have a lot of work to go before the end of this session to get this legislation followed through. So, as all of us to work hard to get it passed through -- to get it to the Governor's desk.

All right. And thank you. That's it.

CHRISTOPHER DONOVAN: Thank you.

SENATOR DOYLE: Thank you, Mr. Speaker.

Next speaker is Claudette Beaulieu then Lynda Munro, Michelle Cruz and Kevin Kane.  
Claudette.

Good morning, Claudette:

CLAUDETTE BEAULIEU: Good morning.

SENATOR DOYLE: Just a question. Do you have written testimony?

CLAUDETTE BEAULIEU: Yes.

SENATOR DOYLE: Was it -- should be submitted

somewhere?

Okay. So we'll -- thank you.

CLAUDETTE BEAULIEU: We did bring it.

Good morning Senator Doyle, Representative Walker and members of the Judiciary and Human Services Committee. I'm Claudette Beaulieu. I'm the Deputy Commissioner for Programs here at the Department of Social Services. I'm here today to offer testimony on several bills, including two raised by judiciary at the request of the department.

SB446 SB449  
HB5246

I am accompanied by David Mulligan, our Director of the Bureau of Child Support Enforcement and (inaudible) Dorian Long who oversee domestic violence programming for the department.

First, Senate Bill 368, An Act Concerning the Establishment of Paternity and Support and Enforcement of Orders in Title IV-D Child Support Cases. Thank you for raising this bill at the request of the department. This bill would improve the establishment of child support orders in three important ways.

First the bill would create a rebuttable presumption that the statutory standard of neglect or refusal to support, which is a pre-condition for child support, IV-D child support cases. Has been satisfied when there's been an application for IV-D services.

The existing language occasionally has made orders establishment problematic in cases where the child support orders required due to the custodial parties participation in the child support program. But the non-custodial

circumstances.

But to give you an idea of the order of magnitude we currently have about 75,000 cases -- active child support cases. To do an annual review of those cases would require an enormous increase in the number of judges, family support magistrates, committee clerks, court clerks, DSS staff and so on.

I mean, it really is not practicable when they're already is a provision for any party who wishes to modify their order to request one at any time. The second concern that we have with this bill, we understand that the bill would create a new task force to study child support mechanisms in other states.

We feel that that is unnecessary. That perhaps this might be something that the program review and investigation committee could take a look at. There's a lot of information already available in the public domain on how Connecticut and other states handle their child support programs.

And we think that the creation of a task force is -- is really unnecessary to do that. The last bill that I want to comment on is House Bill 5246, An Act Concerning Distribution Of The Marriage License Surcharge And Changes To The Landlord And Tenant Statutes To Benefit Victims Of Domestic Violence.

This bill would seek to have the marriage license surcharge funds distributed by October 15th. And we interpret the language that's in the bill where it says distribute such funds to require us to issue all funds in the marriage license surcharge fund annually.

We did negotiate an agreement with CCADV last summer. And we have an agreement that we would annually distribute 80 percent of whatever comes in. And that amount varies considerable from year to year. We would retain 10 percent for emergency needs. And we would use 10 percent for quality improvements.

We have used this account in the past for situations where we've had delays in federal funding. Were we to be required to distribute all the funds in that account by October 15th, were there to be a delay as there frequently is, due to congressional inaction or -- or indecision about federal funding levels, we would not have this -- any funds in this account available to distribute to keep operating dollars going into domestic violence shelter system.

So, for that reason we are -- that's -- that's the -- the essence of our concern with this bill. Attached to my testimony, which I'm not sure you have yet.

A VOICE: Yes.

CLAUDETTE BEAULIEU: Okay.

Attached to my testimony is a letter that outlines the -- the discussions that the department and CCADV had last summer concerning the distribution of the marriage license surcharge money. That concludes my testimony this morning. I would be happy to answer any questions that you may have.

And I will probably ask David Mulligan, Director of Child Support, to come up and join me at this time if you have questions on child support.

So that's -- so it goes out every January. It was sent out about -- sent out over 220,000 notices in January and we send that out every year.

DAVID MULLIGAN: Another notice that -- that we provide is when -- when a -- a notice, a new order is issued on -- on the notice. There's information about the right to review and modification.

And then also in IV-D cases when we -- when we get a new order and we send out information to the clients, we -- we also advise them of the right to review, both -- both the obligor and the recipient of services.

REP. JARMOC: And -- and just another question regarding to the marriage surcharge license money. One is in -- in -- I guess I somewhat understand the 10 percent for emergency. I used to run a domestic violence program in Enfield. So I'm aware that there are lapses in when funding streams come in.

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But I just wanted to ensure that so when you retain that 10 percent, if you take some of that money because you have -- you don't have funds available at the time to distribute. Is that then put back?

CLAUDETTE BEAULIEU: Yes. What we have done is we -- when we do receive the federal -- in the past when we've had to use it, because there's been a delay in federal funding, we reimburse the account accordingly. So, the money does get put back.

It's -- once the federal funds come in. And the other thing I -- I do want to mention is

the 10 percent that we would like to reserve for quality improvements. There -- there are a number of things that we think we can -- we -- we -- there are a number of things that we do very well in the DV system right now.

But there are obviously things that we could do better. One of the things that came across my desk not that long ago was a report by the office of Victim Advocate in the Jennifer Magnano Case.

And one of the -- one of the issues that was identified in that report was that Connecticut needs to have better services available for families who seek domestic violence shelter and who have young teenage boys as household members.

So, for example, we just wrote to the Executive Director of CCADV about a week ago -- recently at any rate, suggesting that we get together and perhaps think about using some of the 10 percent quality dollars to address those kinds of programming needs.

How do we -- how do we serve families that have teenage boys and they come to a shelter. So, we do reimburse -- to get back to your first question. We do certainly reimburse the funds from the federal account when the money does come in if we have to use it in order to keep -- to keep operating dollars flowing.

REP. JARMOC: That was going to be my other question. Was in regard to quality improvement. What you would be define as quality improvement. I'm understanding that better. And I'm -- I -- I guess I am glad to hear that you're -- you know, CCADV to me is as a policy maker and as someone whose worked

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in this field for quite awhile, is the resource that I look to as the expert.

As the one -- you know, I -- I guess it's interesting this report. I'd be curious to receive actually because knowing the quality of shelter services that are provided by community based programs. I'm -- I'm surprised to hear that.

But, I'm sure that they -- they can respond quite effectively to it. But CCADV is -- is the -- the area of expertise that I look to as a policy maker when it's -- when we're thinking about quality improvement and that sort of thing.

Thank you.

SENATOR DOYLE: Thank you.

Any other questions?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

I have a quick question on Senate Bill 446, Section 4 regarding the establishment of paternity. My recollection is -- is that there's a presumption of paternity unless you bring an action within a year. And I'm just wondering if you force everybody to get a paternity order before receiving services for child support?

Don't you think that that's going to create quite a backlog in the court system? And it's sort of a (inaudible) process what you have to do to -- to get a finding of paternity. And might not it be better to have this

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10:00 A.M.

I'm really not familiar with the presumption -- I mean there are presumptions of paternity. But in -- in the IV-D area, we always have to establish legal paternity and there's basically two ways to do that.

Either through a voluntary acknowledgment of paternity or through an adjudication. Those are the only sufficient ways for us to proceed to establish support. There has to be a court finding or a voluntary agreement that gets filed in the paternity registry.

REP. BARAM: I don't disagree with you. It's just on the adjudication issue, it can take time. And there's a degree of evidence that has to be presented. So, I -- I'm just suggesting you might want to check this statute.

DAVID MULLIGAN: Okay.

REP. BARAM: Because you may already have an easier way of -- of establishing paternity.

CLAUDETTE BEAULIEU: We will. Thank you.

SENATOR DOYLE: Thank you.

Representative Flexer.

REP. FLEXER: Thank you, Mr. Chair.

Good morning.

CLAUDETTE BEAULIEU: Good morning.

REP. FLEXER: In the testimony that you gave us in the letter that is attached concerning the marriage license surcharge. It's dated July 29th, and I'm wondering why it is that the CCADV member programs did not receive any of

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their monies until December 2009? That was the first time any of the member programs actually got a check.

CLAUDETTE BEAULIEU: Actually I -- I have to differ with you. They -- we have issued funds out of that account over the years on and off so that would not be the first time. We had took until December in some cases, because as you can see from the letter we requested proposals from the DV shelters to what they were going to use for funds for.

Because the funding is unpredictable and we never know how many people are going to get married in a given year, so we never know how much money get deposited into the account. We've had, you know, anywhere from, you know, under 100,000 to 250 or 260,000 in a given year.

We wanted these funds to be used for things that weren't necessarily recurring expenditures. But we knew that the programs out there had needs. We put out instructions for people to request -- to submit proposals to us. In some cases, they had to submit -- they had to get bids, competitive bids for work that was done at their facilities -- at their -- at their buildings.

We sent out funds -- I'm going to ask -- actually ask Dorian Long who manages the program to join me here because she's the one who actually manages the account. And I know that we were sending out funds and approving payments throughout the fall and early winter.

DORIAN LONG: Good morning.

Basically the delays that --

SENATOR DOYLE: Excuse me. Please identify yourself for the record.

DORIAN LONG: I'm sorry.

SENATOR DOYLE: Thank you.

DORIAN LONG: I'm Dorian Long from the Department of Social Services.

Good morning.

And that's not me (inaudible).

So, basically the process by which we provided these funding to shelters, required that we not only submit very brief proposals. You know, they could be as little as two or three pages to identify where they would like to spend the dollars.

But it also required the contractual amendment process. And many times because of the signatures that are required and the review that is needed, there are delays in that process. All the funds that we agreed to distribute in July had been issued to all the shelters.

On -- and that -- that process has been completed. But because of the somewhat protracted contracting process we have to engage in, the amendment process took some time for that to -- to be dispensed. But it is now complete.

REP. FLEXER: So, if we were not to make the changes that are proposed in House Bill 5246, what would you be doing to get the monies to these programs faster? What would you be

doing to speed up this contractual process you're describing?

DORIAN LONG: Well, I think that -- that the contractual process is -- is on both sides of the house. So, it is also incumbent upon the shelters to get information and paperwork to us as well as for us to review it and send it through the Office of Policy and Management and the Attorney General's Office.

I think that would probably -- would be best is through our amendment or renewal process. A contract renewal that we would incorporate into that process so that would not be an added procedure to distribute the funds. So at contract renewal we would incorporate people's ideas on what they would like to see that funding spent on.

And that -- then it would not be overly onerous on either side.

REP. FLEXER: And so at this point, all of the funds have been distributed to the CCADV member programs?

DORIAN LONG: Yes.

REP. FLEXER: And that distribution started in December and is now completed?

DORIAN LONG: Yes.

REP. FLEXER: And so it took six, seven months to get the monies out the door? Is that correct?

CLAUDETTE BEAULIEU: Well, we ask for proposals and we gave them until the end of September to submit them. We received a few proposals -- after this letter, we received probably two or

three proposals fairly quickly. I would say within, you know, three or four weeks.

But some of the other proposals did not come in until the end of September. Because they had to figure out what they -- you know, look around and decide what it was they wanted to make -- what they wanted to do. Did they want to upgrade their -- their playground area? Did they want to purchase new computers for their administrative business?

Did they want to -- what were some of the other things that they --

DORIAN LONG: There were many. There were repairs that were done to sites and renovations. There were computer system upgrades that were mentioned. There are also books and training materials purchased for support families. Some facilities purchased office furniture. Some folks looked to relocate some of their -- their sites.

There were many different proposals that came through. And folks did have to seek bids and -- and get information in order to facilitate that. And then again the paperwork process and contracting sometimes takes time. And, you know, there -- there's turn around issues with that.

And I think that that if we want to make it a more expeditious process, incorporating it into the standard renewal process would make it a bit easier. Folks will identify that at contract renewal. And we can move forward with one process without adding on to that.

REP. FLEXER: And before any of the contracts were awarded, how many -- how much money would you

say -- or could you tell me exactly how much money was in the marriage license surcharge account before any monies were distributed --

DORIAN LONG: There was approximately --

REP. FLEXER: -- this fiscal year?

DORIAN LONG: -- approximately 900,000 in one account. And we distributed 805,000.

REP. FLEXER: Thank you.

SENATOR DOYLE: Thank you.

Any other questions from committee members?

Seeing none, thank you very much.

The next speaker is Lynda Munro from the Judicial Branch.

Judge, sorry.

Sorry about that Judge.

JUDGE LYNDA MUNRO: Good morning.

Senator Doyle, Representative Lawlor,  
Representative Walker and distinguished  
members of the Judiciary and Human Services  
Committee. My name is Lynda Munro and I  
service the Judicial Branches Chief  
Administrative Judge for Family Matters.

SB368 SB446  
SB448 SB449  
HB5496 HB5497

I want to thank you all for the opportunity to appear before you to address several of the bills that are on today's agenda. Seated with me, if you please, is Steven Grant. He's the Director of Family Services Court Support Services Division at the Judicial Branch.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 6  
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HUMAN SERVICES COMMITTEE

10:00 A.M.

REP. FOX: Next is Shannon Lane, and she'll be followed by Sue Garten.

Good afternoon.

SHANNON LANE: Hello. Thank you.

My name is Shannon Lane, and I'm a professor at Adelphi University School of Social Work, and I'm here to talk about some research I did as part of the University of Connecticut School of Social Work in 2007 and 2008.

We were fortunate enough to be part of a national study that looked at survivors of domestic violence around the country, including in Connecticut, and although we've had a chance to hear from two survivors here today, we had 3,400 survivors participate in our study, and I would like to take this opportunity to share some of our voices with you because so few survivors are usually able to attend events like this, and I wanted their voices to be heard for this process.

And, I'm here to support the recommendations of the Speaker's Task Force for both H.B. 5246 and 5497 and the difficult work that Representative Flexer and the Task Force have taken on this past year. In particular, I wanted to focus on the housing needs of survivors as it addresses the landlord and tenant issues in this bill and also the employment issues of this bill because what we know about survivors is that their financial stability is very connected to whether or not they are able to leave their abusers.

One of the surprises for me when we did our research was that when we asked survivors of domestic violence what their needs were,

obviously the first thing almost everyone said was safety. Second to that, 83 percent of our survivors said that they had problems with housing or needed help in finding housing, and a lot of them also raised financial issues as well, so 57 percent needed help with job or job training, and 54 percent had needs related to budgeting and financial matters.

And, this relates specifically to some of what we've heard today about the challenges for survivors and getting time off from work, but also having abusers come and hassle them at work, and it's actually become sort of a (inaudible). We call it economic abuse, which relates to behaviors that control a person's ability to acquire, use or maintain their economic resources which threatens their economic security and their ability to live as self-sufficient individuals.

Abusers are known to interfere with education, employment, prevent someone from acquiring assets so, for example, forbidding a survivor from putting their name on a deed or a title to a car. Abusers are also known to create costs that the survivors are responsible for so that suddenly the survivor has credit card bills in their name for bills that they -- items that they never purchased or their savings are taken away from them.

As a result of all of these things, for a lot of survivors the ability to leave their abuser is connected to whether or not they can find a place to live that they can afford, and the provisions of this legislation that would allow more flexibility with employment and more flexibility with housing would be a great step towards giving that opportunity for some of these survivors.

And, I said I wanted you to hear their voices, so that's all my voice, but I want to give you some quotes from the surveys themselves.

Our respondents told us -- one person said without this program, they would have gone back because of co-dependence financially, and they talked about a number of other things that are in my written testimony that I think are really important to bring you to hear their voices. Thank you.

REP. FOX: Thank you. Are there any questions? Representative Green?

REP. GREEN: Thank you, Mr. Chair. Good afternoon.

In the study that you did, one of the things that I was trying to get a sense of is that if women or if anyone came to a shelter because of the issue of domestic violence, you said 83 percent, I think, needs some housing, or that was second after safety.

SHANNON LANE: Uh-huh.

REP. GREEN: What normally happens if someone goes into a shelter? Do they return home, or do they find other places to stay?

SHANNON LANE: That's a good question, and I don't have those statistics at my fingertips. I can tell you that every survivor situation is different, so it's hard to generalize.

We do know that there is a large number of survivors who will leave multiple times, and often they will go to a shelter or DV program and feel obligated to return because they don't have financial resources or access to

housing, so there are people who will go back to their abusers, and that was a big thing that we heard through our study.

We looked at people as they left shelters, and often they said, "I don't have anywhere to go; I have to go back to the abuser."

Some people will go to homeless shelters, but domestic violence in homeless shelters will only take you so far, and in this economy, you know, I would love to sit up here and say, "What we really need is affordable housing in Connecticut," but I don't know that that's something that is going to be at the top of the agenda this year, so it's definitely a challenge.

REP. GREEN: It has been very difficult for me to get specific information and numbers as to the percentage of women or men that do go to a shelter how many return home. What's that home like? For example, when you say they may return to a situation where that's where the abuse is at, we don't know, your study didn't give us any information as to whether or not those homes were leased to the person that was the victim or were they leased to the other person. We don't have that information, do we?

SHANNON LANE: Right. We don't -- we didn't ask those questions on our survey. Deliberately, we didn't. We don't have a way to follow up with the people in our survey because there are some safety issues for me to call or send a letter to somebody that either that call or that letter might be intercepted by an abuser, so we would like to have those answers as well, but at least for us we made the decision to not collect any information after they left

the shelter.

I know there are other people here today from CCDV and shelters who might have a better sense from their populations what those numbers are, but we weren't able to gather that information.

REP. GREEN: So, in your study, you didn't ask the question, for example, were they the primary lessee on the rent agreement or in the home, so you didn't ask what their relationship with the renting unit was? I'm trying to get a sense of if there's some concern about allowing some release of the lease, you know, how many people are we talking about, how prevalent that is, and it's just been hard getting numbers.

SHANNON LANE: Right, and certainly the sense we got from the study was that that was important, but we didn't ask, and because we didn't ask that question specifically, it's hard for -- I can't answer that specifically, although the anecdotal data suggest that housing was a huge issue for everyone whether they were on the lease or not.

REP. GREEN: Okay. Did you ask those people who had to leave their homes whether or not they felt a desire to return to a home, maybe not to the home that they left, but in the same community, did they want to get away from the community? Did you get a sense of did those individuals want to go to a different area, just kind of be removed from the previous residence?

SHANNON LANE: We did have a number of people who chose to cross state lines or go several hundred miles in an effort to get away from

their abuser. Some people felt that that physical distance was necessary for security. Some people for various reasons, including family ties or employment, either didn't want to leave or didn't feel that that was an option for them and said they would try to find a way to stay safely in the community that they had come from.

So, again, it varied upon, you know, what ties did they have with the community, were they actively employed, did they have a job that would allow them to easily look for employment somewhere else. Some people really wanted to stay in their home community. They had a network there. They had a community that they wanted to stay a part of.

REP. GREEN: All right. Thank you.

REP. FOX: Are there any other questions from members of the Committee? Seeing none, thank you.

SHANNON LANE: Thank you.

REP. FOX: Next is Sue Garten.

SUSAN GARTEN: Good afternoon, Representative Fox, Members of the Judiciary and Human Services Committee. My name is Susan Garten. I'm a lawyer at Legal Aid, and I'm here on behalf of the legal services program to support H.B. 5497, an act concerning the recommendations of the Task Force on Domestic Violence, and I want to specifically speak about Sections 13 and 14 of the proposed bill. Those are the sections that protect the jobs of victims of family violence.

Legal Services advocates worked in close

criminal restraining order, which I was granted upon -- actually, it was granted two months before I knew it. That was the original sentence. The sentence as stayed.

I was granted a standing criminal restraining order which, yes, by law, by the books, the (inaudible). It's just a piece of paper. I mean, I would feel much more secure -- and I did tell this to the judge -- that I believe that the GPS tracking system is imperative. I don't want to die. I don't want to be a victim for my family. That was not my goal, and it's not my goal ever. I want to know that I'm protected. He was on probation, and he violated his probation with (inaudible).

When he performed this attack, I cannot be sound, you know, in my life, knowing that there could be something protecting me, but we're not going to use it.

REP. FOX: Thank you. Are there any other questions? Thank you very much for your testimony today.

Next is Erika Tindill. Good afternoon, Erika.

ERIKA TINDILL: Good afternoon, Representative Fox, Senator Kissel, Representative Mae Flexer, and Members of the Human Services and Judiciary Committees. My name is Erika Tindill. I'm the Executive Director of the Connecticut Coalition Against Domestic Violence, and I'm here today to express support for House Bills 5246, 5497 and 448 and to oppose House Bill 5496.

I'd like to thank Speaker Donovan and Representative Flexer and members of the Domestic Violence Task Force for their

commitment to proposing legislation that is responsive to survivors of domestic violence in Connecticut.

Let me start by saying that to insist that an attorney only use three minutes on so many bills with a number of sections that impact her organization is a bit much to ask, but rules are rules, so I will keep my remarks brief and ask that you give very thoughtful consideration to the written testimony that I've submitted which outlines some of these comments in greater detail.

CCADV and its member programs support House Bills 5246, an act concerning distribution of the marriage license surcharge and changes to the landlord and tenant statutes to benefit -- here comes the domestic violence -- specifically the following provisions, specifically the following provisions.

Section 1 of this bill requires annual distribution of marriage license surcharge fees that are specifically earmarked for allocations to CCADV member programs for, quote, shelter services for victims of household abuse.

Passage of this section would prevent DSS from retaining these funds indefinitely, as is now allowable, although unintended, under the current statutory language.

Section 2 allows a victim of domestic violence to quickly and safely terminate a rental agreement in order to relocate without exorbitant cost. This section also provides a means of housing assistance in the form of rent deferral for a tenant experiencing domestic violence.

Section 8 of the bill calls for the appropriation of money to support 24/7 staffing at shelters. We're asking that that appropriation be in the amount of \$3 million, a bargain considering the tens of millions of dollars it cost Connecticut businesses and tax payers in lost productivity, unemployment, health care, lost earnings, education, and quality of life. And I believe you've heard from several survivors and other participants today that also demonstrate that.

CCADV and its member programs also support House Bill 448, an act concerning applications for relief from physical abuse by a family or household member. This bill makes the technical change of requiring a petitioner for a civil restraining order to include in their affidavit a statement that they meet the statutorily defined relationship and threat in order to be granted relief.

We support House Bill 5497, an act concerning the recommendations of the Speaker of The House of Representatives' Task Force on Domestic Violence. This wide-ranging bill calls for greater coordination by civil and criminal courts addressing domestic violence cases involving the same parties and increased employment protections for victims, electronic monitoring of high-risk perpetrators, an extended look-back period for persistent domestic violence offenders and specialized domestic violence docket courts.

The proposed changes will strengthen the bill. In line 116, which is Section 3b, add "or caretaker" after "parent." This change contemplates persons other than biological parents who have assumed the responsibility

confront, and the victim bears a terrible, terrible reputation afterwards. People don't seem to comprehend that a victim is a victim.

She came and had the courage to speak, and at that time, it got passed to another Committee. They never even brought it up. They just let it die, the bill, and I would ask you that you please consider this, at least, just based on her courage to speak. She'd be here today, but she has a kidney infection.

REP. FOX: Thank you very much, and thank you for being here today.

ABIGAIL A. TRUE: Thank you.

REP. FOX: Next is Dianna Langston. Hi. Good afternoon.

DIANNA LANGSTON: Good afternoon. Good morning -- afternoon, yes. It's just after 4:00 o'clock. Good afternoon.

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I originally wrote, "Good morning, Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor, and Members of the Human Services and Judiciary Committees." I realize not everyone that I just said is now sitting here, but good afternoon.

My name is Dianna Langston, and I'm an adult advocate at New Horizons Domestic Violence Services in Middletown, Connecticut. I'm here today to support the domestic violence task force recommendations and to persuade you to allocate additional funds for 24-hour coverage at domestic violence shelters. With that said, I would like to tell you all about a woman I am currently working with who is amazing. I was here a couple of weeks ago,

and I also spoke about this same woman.

On December 2nd, 2009, our agency sheltered a woman and her three teen-age children. I will identify this woman as Ann for confidentiality purposes. Anne and her three children have been through more trauma than any client I have had thus far. For the first time in 18 years, Anne, being married to an extremely abusive husband, was able to safely leave her home.

Anne has tried to leave several times in the past and attempted to seek help but continually fell through the cracks. Anne and her oldest child are also undocumented immigrants. Anne taught herself how to speak English by watching cartoons with her children because her husband isolated her from the rest of the world.

Nearly every day of Anne's marriage, she was degraded, beaten and raped. Until the day Anne left, all three children were emotionally and physically abused as well. After over a two-months wait, Anne is currently working with an attorney who is helping her and her daughter file for a U VISA to gain residency. Without this visa, Anne and her daughter would never be able to attend college in the future and live their dreams of a better life.

Anne's next step is to begin divorce and custody proceedings with Connecticut Legal Services so that Anne and her children can finally break the rest of their ties to a man each of them wishes to forget.

Anne is one of many survivors the 18 domestic violence programs in Connecticut see every day. With our help, Anne and her three

teen-age children will eventually be able to move out of the shelter and on to a violence-free life. For Anne, that day cannot come soon enough.

Anne and her children along with many others would never be able to break the cycle of domestic violence and safely be freed if not for the services of domestic violence programs and laws designed to protect her. Today I ask you to consider moving forward with Raised Bills 5246 and 5497.

And also about Anne, she had gotten two restraining orders, one was in 2001, and was canceled after one day because they did not have an interpreter for her -- this is out of state -- to interpret for her, her story, and it was discontinued, and he was allowed to come home.

The second one is still in place today, and he continually stalked her, and I know that if she had electronic monitoring, she and her children would have more peace of mind, knowing where he is at all times because she had no idea where he would continually pop up. If it wasn't for her neighbors watching out for her the day he tried to break in, then he was arrested, so that's it.

REP. FOX: I don't think that was a reaction to your testimony.

DIANNA LANGSTON: I'm sorry.

REP. FOX: I'm sorry. Does anybody have any questions, any members of the Committee? I'm not questioning what's going on outside, actually. I'm afraid to go out there.

DIANNA LANGSTON: It's okay. It's quite loud.

REP. FOX: Okay, thanks. I do thank you for coming today, and it is important that you bring forward these stories that you have experienced through your work because it really helps us to put a face on what we're doing here, and it is helpful, so thank you very much.

DIANNA LANGSTON: Thank you.

REP. FOX: Next is Cathy Zeiner. Did I pronounce your name correctly?

CATHY ZEINER: Zeiner.

REP. FOX: Zeiner. Sorry about that.

CATHY ZEINER: That's all right. No problem.

HB 5246

Good afternoon. I was on the flex list, Representative Fox. I am Cathy Zeiner, Executive Director of the Women's Center of Southeastern Connecticut. We serve approximately 6,000 victims of domestic violence in New London County every year, and for years we were one of the last three domestic violence shelters with 24-hour paid staff and, unfortunately, about a year and a half ago, because of the lack of funding, we had to cut our staffing back to 9:00 to 5:00 on weekdays.

And, after that change, we witnessed residents who sunk back into substance abuse and lost their children and used emergency rooms for relatively minor health problems, and ultimately they returned to their abusers, all because we weren't there to help the victims work through their fears and insecurities and

tmd/mcr/gbr JUDICIARY COMMITTEE  
HUMAN SERVICES COMMITTEE

10:00 A.M.

find the appropriate resources to help them at the moment.

Our clients are too fragile and the stakes too high to leave these situations to chance, so we need staff on site at our shelters 24 hours a day, 7 days a week. Now, I know that resources for 24-hour staffing are difficult to find this year, but you do have the ability to help improve the situation by ensuring that the marriage license surcharge money is released to domestic violence programs promptly, completely and with limited strings attached.

If we had the thirty or \$40,000 of marriage license surcharge money last year, we could have provided more staff support for these residents at our shelter. As you know, only about half the cost of providing adequate shelter services is funded through our state contracts, and as a result, we have to be resourceful in patching together other funding to make up the difference. So, it's critically important that we have the flexibility with the marriage license surcharge funds to fill any gaps created by this patchwork of restricted funds.

Each domestic violence provider has access to different resources. Some have access to free computers from major companies within their cities while others do not. Some have access to contractors who can provide a free kitchen while others do not. Some have access to large amounts of fund-raising dollars while others do not.

When the Department of Social Services holds back money collected for domestic violence services or prescribes in a very limited way

how these funds are used, they wind up short-changing essential services in some programs and paying for less essential acquisitions in others. This is a very inefficient way to allocate limited resources.

Each program should be granted the discretion to use the money in support of shelter services as their unique circumstances dictate. The resources also need to be provided on a timely basis, not years after they were collected or six months after a spending plan has been approved.

This is a solution that won't cost the state additional money but will assist domestic violence programs in providing victims with the best emergency resources and services available so, therefore, I respectfully request that you support Bill 5246.

Thank you.

REP. FOX: Thank you very much. Are there any questions? None. Thank you.

CATHY ZEINER: Thank you.

REP. FOX: Next is Michelle Katz. Hi. Good afternoon.

MICHELLE KATZ: My name is Michelle Katz. I am a law student from a law school, and I work closely with Diane Rosenfeld, a Lecturer at the law school in the domestic violence clinic. I'm here to present a statement of hers in support of Bill Number 5497.

Honorable Members of the Judiciary and Human Services Committees, we write in support of your efforts to strengthen Connecticut's

what's been so useful in Newburyport is that no one has even tried to cut the bracelet. There have been no (inaudible) in the 55 cases, and so while it is effective and it should be very difficult to remove, it also acts as a deterrent to prevent people from even trying to re-assault in the first place.

REP. GONZALEZ: Thank you.

REP. FOX: Are there any other questions? Thank you for taking the time to come to Hartford today and for your testimony.

Next is Raphael Podolsky.

RAPHAEL PODOLSKY: Thank you, Mr. Chairman. My name is Raphael Podolsky. I'm a lawyer with the Legal Assistance Resource Center. It's part of the Legal Aid programs.

I'm here just to speak very briefly in support of one of the bills from the Domestic Violence Task Force, House Bill Number 5246 which deals with housing and domestic violence and, in particular, the cert, Sections 2 through 7 of the bill.

What the bill does is that it provides a couple of forms of very limited relief for victims of domestic violence when the domestic violence impacts their housing either leading to their leaving on short notice or cutting off their financial resources in a way that allows them the possibility of a one-month deferral on rent payments.

What I would note for you about the bill is the way it's drafted, it is -- it's (inaudible) difficult for people to use it, and there are two liberalizations that you

might want to look at that I think would make it more usable.

The first is that there is a restriction that says that unless people have been current on the rent for the last twelve months, they can't use any of the provisions of the bill. And, in a domestic violence situation, it would not be uncommon that there would be late payments of rent.

It doesn't seem like that would be necessary because nothing in the bill removes liability of the renter for any previous accrual of, say, the arrearages or any late fees or anything like that, so it seems to me it's not necessary, but it will disqualify I would think most people from being eligible for it in regard to victims of violence.

And, the second thing is it refers to the if the request is made to defer a rent payment. It's framed as being the deferral request has to come before the next month's rent. The reality is in many cases it's going to be the current month's rent for which the victim needs a deferral, and you may want to -- if you're going to move the bill forward, then you may want to write the bill in such a way that it's not quite that restrictive to recognize some of the reality of the situation.

Those are basically my comments on the bill. I'd be happy to answer any questions if there are any.

REP. FOX: Are there any questions? If not, thank you.

RAPHAEL PODOLSKY: Thank you, very much.

Next is Alvin Notice. Is Sally Zanger still here?

ALVIN A. NOTICE: Thank you for this opportunity (inaudible) Representative Flexer, Representative Reeves (inaudible).

I've heard a lot of stories this morning, and I want to kind of state my facts a little bit. I've already submitted a statement, so I'm not going to read the statement.

But, I'm here to tell you that I want to support Bill 5246 and its recommendations to protect domestic violence victims. Just the fact that we had a surcharge fund that is sitting for approximately three or four years and domestic violence shelters and (inaudible), they're not getting that money. There's \$800,000 sitting in a fund somewhere, and the shelters could use that, and domestic violence (inaudible) could use that, and it was never given, and it took a couple of profile cases for that to happen, and I'm glad that the funds are distributed amongst the agencies, and I'd like to see that continue.

Landlord protection, that's something that I think is very important that domestic violence victims are able to get a (inaudible) if there's a problem, and that's why we need those shelters.

I'm also here to speak on Bill 5497, and it's related to GPS, and I will read briefly as to what my statement is.

Tiana Angelique Notice was murdered on February 14th. She had taken out a restraining order against her abuser, and on the day she was murdered, she was within five



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LINE 14



**Testimony before the Judiciary Committee**

**Claudette J. Beaulieu**

**Deputy Commissioner for Programs**

**March 15, 2010**

SB 446

SB 449

HB 5246

Good morning, Senator McDonald, Representative Lawlor, and members of the Judiciary Committee. My name is Claudette Beaulieu and I am the deputy commissioner for the Department of Social Services. I am here today to offer testimony on several bills, including two raised at the request of the department. I am accompanied by David Mulligan, our director of the Bureau of Child Support Enforcement in DSS.

**Legislation Introduced at the Request of the Department**

**S.B. No. 368 (RAISED) AN ACT CONCERNING THE ESTABLISHMENT OF PATERNITY AND SUPPORT AND ENFORCEMENT OF ORDERS IN TITLE IV-D CHILD SUPPORT CASES**

Thank you for raising this bill at the request of the department. This bill is a re-submittal of legislation that was before you last session and favorably reported out of Human Services and Judiciary. This bill would improve ESTABLISHMENT of support orders in the following ways.

**FIRST**, the bill would create a rebuttable presumption that the statutory standard of "neglect or refusal to support" as a pre-condition for a support order is satisfied in a Title IV-D case when there is an application for IV-D services or a grant of financial or medical assistance. The existing language occasionally has made order establishment problematic in cases in which a child support order is required due to the custodial party's participation in the child support program, but the noncustodial parent cannot be shown specifically to have "refused or neglected" to support. An order in accordance with the child support guidelines offers a measure of security for the family while ensuring the obligor's ability to pay is fully considered.

**SECOND**, the bill would establish a procedure for notifying the parties associated with a disapproved Agreement to Support, or "ATS" and docketing that agreement for a hearing on support. Under present law, there is no procedure for when a Family Support Magistrate disapproves an ATS. Therefore a support petition is usually necessary, which causes unnecessary delay in the support establishment process. The bill provides that the reason for disapproving an ATS will be stated in the record, and the clerk will schedule a hearing to determine appropriate support amounts and notify all parties of the hearing date.

Regarding section 12, the department feels that it unnecessary to create a new task force for the purpose of studying child support mechanisms in other states. Perhaps a more appropriate venue for such a study would be the Legislative Program, Review and Investigations Committee. This information is already readily available through the federal Office of Child Support Enforcement and shared through regular publications, online resources, and professional conferences.

**Additional Legislation Impacting the Department**

**H. B. No. 5246 (RAISED) AN ACT CONCERNING DISTRIBUTION OF THE MARRIAGE LICENSE SURCHARGE AND CHANGES TO THE LANDLORD AND TENANT STATUTES TO BENEFIT VICTIMS OF DOMESTIC VIOLENCE**

This bill seeks to have Marriage License Surcharge (MLS) funds allocated by DSS for domestic violence shelter services to be distributed to recipient agencies by October 15, annually. It also seeks to eliminate the funds retained by DSS, OPM or DPH for administrative purposes.

We interpret the language distribute such funds to require the department to issue all funds available in the MLS account annually. However, pursuant to an agreement negotiated between the department and CCADV in July 2009, the parties agreed that a 20% reserve would be maintained: 10% for quality/system improvement and 10% for emergency needs. Furthermore, this account has been used in the past to advance payments to DV shelters in cases there was a delay in federal funding. If the fund is entirely depleted in October of each year there will be nothing available to assist shelters with cash flow problems.

We have attached the letter that outlines the agreement between CCADV and the department. We feel that this agreement satisfies the needs and concerns of both parties. We recommend that these parameters be taken into consideration as the bill the moves forward.



STATE OF CONNECTICUT  
DEPARTMENT OF SOCIAL SERVICES

CLAUDETTE J. BEAULIEU  
Deputy Commissioner

July 29, 2009

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Erika Tindill, Esq.  
Executive Director  
Connecticut Coalition Against Domestic Violence  
90 Pitkin Street  
East Hartford CT 06108

Dear Ms. Tindill:

Thank you for meeting with me and my staff on July 22, 2009 regarding surplus dollars accrued from the Marriage License Surcharge (MLS). Please find below a summary of the discussion:

Surplus dollars accrued from MLS are available to the Domestic Violence (DV) Shelters during State Fiscal Year 2010. This funding shall be dispersed according to the following parameters:

1. A reserve of these surplus funds will be maintained:
  - (a) 10% for Quality/System Improvement ; and
  - (b) 10% for an Emergency Fund for Domestic Violence Shelters.

The Department of Social Services (DSS) will meet with the Connecticut Coalition for Domestic Violence to determine a maximum threshold amount for the Emergency Fund and determine a mechanism to disperse accruals above this amount.

2. The remaining 80%, based upon the June 30, 2009 MLS surplus account balance of \$1,007,016, will be dispersed to DV Shelters and Host Homes upon shelter submission and DSS review and approval of spending proposals.
3. A Host Home will receive half of the allocation that will be extended to a DV Shelter.
4. These funds will be dispersed through amendments to DV Shelters' and Host Home's existing DSS contracts. These contracts will set forth how these dollars may be spent.
5. DSS will approve shelter proposals to fund "one-time" items using MLS funds. Initiatives, projects, and/or items that would require ongoing funding cannot be purchased using these dollars.
6. DSS will, within available resources, allocate accrued surplus dollars from the MLS to the DV service providers during future state fiscal years, at contract renewal, using the same parameters outlined above for the current surplus (i.e., disperse 80% to DV Shelters and Host Homes, reserve 10% for System Improvement, and reserve 10% Emergency Fund for Domestic Violence Shelters).

Should there be any questions regarding the above, please do not hesitate to let me know. My staff and I look forward to working with you and the DV community to support the timely distribution and implementation of these funds.

Sincerely,

Claudette J. Beaulieu  
Deputy Commissioner

CJB/dl

cc: Michael P. Starkowski, Commissioner  
Pamela A. Giannini, Director, ACSW  
Dorian J. Long, Manager, Social Work Services

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Michelle S. Cruz, Esq.  
State Victim Advocate

# STATE OF CONNECTICUT

OFFICE OF VICTIM ADVOCATE  
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LINE 12

**Testimony of Michelle Cruz, Esq., State Victim Advocate  
Judiciary / Human Services Committees  
Monday, March 15, 2010**

Good morning Senator McDonald, Senator Doyle, Representative Lawlor, Representative Walker and distinguished members of the Judiciary and Human Services Committees. For the record, my name is Michelle Cruz and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

**Raised Senate Bill No. 448, An Act Concerning Applications for Relief from Physical Abuse by a Family or Household Member**

**Raised House Bill No. 5246, An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord & Tenant Statutes to Benefit Victims of Domestic Violence**

**Raised House Bill No. 5496, An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace**

**Raised House Bill No. 5497, An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence**

***Tiana Notice; Alice Morrin; Gina Lacouture; Shengyl Rasim; Dia Palafox; Bonnie MacKay Belanger; Barbara Hamburg; Madeline Brisson***

Domestic violence is not a "cause" or an "issue"; and despite what others say, we are not seeing a "rash" of domestic violence cases- but rather we are seeing, some for the first time, the level of domestic violence that is present in our state and in the nation. Only by the media coverage of domestic violence victims' lives and tragic deaths are we now beginning to acknowledge this sad reality as fact. Domestic violence is and has been an epidemic. The domestic violence victims named above only represent ten domestic violence victims we have lost. The actual number of domestic violence victims who suffer daily is astounding and yet we may not hear of their stories unless they become yet another fatality in our state.

I applaud the efforts of the Speaker's Task Force on Domestic Violence and appreciate the recommendations they have made on behalf of victims of domestic violence. It is true that the criminal justice system cannot guarantee 100% safety for domestic violence victims; just as the General Assembly cannot legislate 100% safety for domestic violence victims. However, when it comes to domestic violence we must have a united front founded upon zero tolerance for domestic abuse and a unified state-wide response.

**There are really three identified categories of domestic violence offenders:**

1. The first offender, after an arrest, is amenable to the criminal justice system if and only if, the courts enforce the courts orders and domestic abuse holds a consequence. This offender will completely and immediately be cooperative within the criminal justice process, obey court orders and will fear the consequence for not abiding by orders. But this offender will also be teachable to a system that holds no accountability for violence and will take the courts lack of actions as a green light to continue his or her abusive behavior. This offender is a good candidate for the Family Violence Education Program, the program available to "first time offenders" to resolve the criminal matter without the negative implications of a criminal record.
2. The second offender, after an arrest will not believe the criminal justice system will respond to his or her violence. He or she will test the waters, such as sending flowers to the victim in violation of a protective order. If the system (law enforcement; prosecutors; judges; bail commissioners) responds to the violation with zero tolerance, this offender will either become compliant or be identified as a danger.
3. The last offender is the most lethal and not phased by the court's interactions. After an arrest, this offender will continue and-in-many-cases, escalate, intimidating, harassing, threatening and abusive behavior aimed at the victim. The system must first, recognize this offender's threat level and respond immediately to this type of domestic violence offender. Typically, this offender has a history of domestic violence, escalating behaviors and is an immediate danger to the victim.

The Office of the Victim Advocate (OVA) supports GPS tracking for certain domestic violence offenders who have not yet racketed up to incarceration, but not as an alternative to incarceration. The key to GPS, however, is an appropriate tracker with the necessary staff to respond 24/7. Connecticut's current GPS monitors are insufficient to ensure the safety of a domestic violence victim. In order to properly protect domestic violence victims, Connecticut would be wise to invest in a satellite and cell tower backed GPS devise. Additionally the current GPS system in Connecticut is passive and has a delay of up to five minutes to report information back to the state. In order to have an immediate response Connecticut will have to have staff available 24/7 who will be notified of a breach and then notify the victim and police simultaneously. This is imperative to victims' safety. Additionally prior to affixing a GPS monitor onto an offender, a staff person, perhaps from Court Support Services Division (CSSD) will have to check the victims' hot zones, to ensure the monitor will report a breach appropriately. This can be done prior to the release of the offender from Court.

Additionally, several states, have designed STOP teams within their communities to better support domestic violence victims of high risk offenders. The teams are usually comprised of a court based domestic violence victim advocate, the local law enforcement department and the local battered womens' shelter program. For example, on Friday, Springfield, MA has a high risk domestic violence offender escapes from facilities. The team set up a phone tree to respond to situations, such as this, and was able to notify victims within 30 minutes through this coordinated community response. This is a model Connecticut would be wise to replicate. We have many partnerships, such as these, already established in our communities. The roadblock is financing and commitment

from all parties, including the courts, prosecutors, police, and domestic violence programs. This is the coordinated community response that will better protect our citizens who have fallen prey to domestic violence offenders.

Domestic violence dockets are an important commitment that Connecticut has made in some jurisdictions. It takes a certain type of person to understand and appreciate the dynamics present in domestic violence cases. It is not an easy task. We who understand and support domestic violence victims and their plight to live free of abuse, know all too well, that many victims may return to their abusers several times prior to finally leaving for good. In other cases, victims will actively fight the prosecution of an offender. There are many reasons why a domestic violence victim may fight the prosecution of his or her offender - some times it is the children, or finances, but many times it is simply the reality that when all is said and done the court, prosecutor, advocates, and law enforcement cannot be present with the victim 24/7 and he or she believes that the best way to manage the abuse is to go back. It is a case of turning to the familiar rather than the scary unknown. And it takes an especially compassionate prosecutor to handle these cases day-after-day. Furthermore, it takes a gifted judge to identify risk factors and fashion sentences that will both protect the victim and, at the same time, provide treatment to the offender. The commitment to establish domestic violence dockets is essential for a unified response to ending the violence. It also allows for a venue for training of the entire staff dealing with these especially difficult cases. The only other recommendation the OVA would suggest is that there be a consensus as to the type of cases these dockets will handle. In some jurisdictions these dockets handle only minor offenses while others handle the most serious. In order for Connecticut to provide a consistent response to domestic violence throughout the state, we should start by a consistent approach in our domestic violence dockets which would include specialized training on domestic violence as well as vicarious trauma and burn out.

The process of a criminal case in Connecticut includes numerous court hearings and continuances. Victims have a constitutional right to be present at all court dates, provide a meaningful impact statement and be reasonably protected from their offender. In order for the victim to fully participate, he or she needs to know that they are protected from backlash from their employer. This is true of all crime victims. Currently the time period to file a claim against ones employer for retaliation is 90 days. This is simply not a sufficient time period nor a workable time limitation for a victim to respond in a meaningful way. The extension of the time limits will allow a victim to protect themselves while they are dealing with a trying and draining experience of being a crime victim and with a workable remedy if they are discriminated against by their employer.

The name change of the "standing criminal restraining order" is in line with logic. The current language is confusing. There is enough confusion to go around from victims, by this simple name change, the availability of what is now, for all intents and processes, a "lifetime" order will be clearer to victims. Additionally the OVA will often hear from victims of domestic violence who are currently faced with returning to court every six months to extend their order. The OVA encourages the Judiciary

Committee to allow a judge in family court the discretion, in appropriate cases, to extend a restraining order beyond the six month time period for up to a year. There are a limited number of cases where the facts and circumstances simply support the need for a year long extension and the Judge should be allowed the discretion to extend those orders when and if it is appropriate. Additionally the OVA does not support the change to the current system involving what is now the "standing criminal restraining order". There is no perceived need to change the current practice and we have yet to hear of a situation where the order should have been limited at the conclusion of the offender's case. As often stated, why fix a practice that is not broken.

In addressing domestic violence, we need to be wise and not waste our energy re-inventing the wheel. The OVA, for instance, released a comprehensive investigative report on Nov 30, 2009 regarding the untimely death of Jennifer Magnano. The report contains numerous recommendations geared toward better protecting domestic violence victims. Some of those recommendations have been embraced through the state police, legal aid and several of the domestic violence programs, to name a few. The gaps in services experienced by Jennifer and her three children were not unique to them but rather the experiences of many domestic violence victims throughout our state. Learning from the experiences of domestic violence victims is the best way to identify how to better protect domestic violence victims.

The OVA is currently engaged in several investigations at this time involving domestic violence deaths over the past 13 months. These various cases are at different stages of completion- but I can tell you definitively that the following suggestions come directly from the pending investigations:

- 1) Offenders who are in court on a violation of an order of protection should not be released from court without, at the very minimum, a racking up of bond. The charge for violating an order of protection is unique in two aspects- first, we KNOW there is a VIABLE threat against an identified person, and second, the offender is ON NOTICE that certain behaviors will bring about law enforcement and court interactions and possibly a relinquishment of the offenders liberty. In light of the uniqueness of these charges, the court must send a message to the offender. Simply allowing the revolving door of the justice system to send an offender back out into our community without any consequence or on the same bond is unacceptable and, most importantly dangerous.
- 2) Next, there needs to be a swift and immediate response to a domestic violence victim's complaint to a violation of an order of protection. We know this can be done. The police were able to identify the commenter of the threats against Attorney Ullman, Representative Lawlor and Senator McDonald within a matter of days. It is not acceptable to delay investigations of alleged violations of orders of protection.
- 3) And lastly, we need to improve our current system when it comes to reporting violations of orders of protection. Currently there is a delay. The police departments require a "hardcopy" of an order of protection prior to arresting an offender and, despite what is being told to domestic violence victims; it cannot be

the one in possession of the domestic violence victim. Rather is must be faxed from an originating police department or the court. This is a step that is unnecessary and causes much frustration with victims of domestic violence. The police should be able to check COLLECT for the latest date of the order and if it co-insides with the victim's copy, that should be sufficient as it is in many states. This second step is unnecessary and causes a delay in the responsiveness with the police.

As I stated earlier, the OVA applauds the Speaker's Task Force for putting forth the proposals before you. I would like to recommend some key components that will further enhance the proposals. A successful effort in responding to domestic violence must be through a coordinated community response. Questions like "Why doesn't he/she leave?" or "Why did he /she go back?" have to be replaced with "Why does he/she batter?" and "Do they want to change their behavior?" The responsibility for abusive and controlling behavior is on the offender. The statute needs to be clear that a victim listed as the protected person on an order of protection cannot be charged with accessory or conspiracy to violate that order of protection. It is not the victim's behavior that is restricted by the court.

Finally, the family violence education program (FVEP) is currently available to "first time" domestic violence offenders. However, with the use of other pre-trial diversion dispositions, many offenders have four or five domestic violence arrests before they are granted the FVEP. Domestic violence cases require a priority for investigation by law enforcement, reasonable risk assessment by bail commissioners, prompt attention by prosecutors, strict enforcement by the courts, close supervision by CCSD and meaningful input from the victim. This undoubtedly will cost some money for resources; however, it is a critical link for success in ending domestic violence as it is today in the state of Connecticut.

**CONSTANT VIGILANCE AND A UNIFIED STATE-WIDE RESPONSE.**

Thank you for consideration of my testimony.

Respectfully submitted,

*Michelle A. Cruz*

Michelle Cruz, Esq.  
State Victim Advocate



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### **Testimony for Raised Bill:**

#### **5246 - AN ACT CONCERNING DISTRIBUTION OF THE MARRIAGE LICENSE SURCHARGE AND CHANGES TO THE LANDLORD AND TENANT STATUTES TO BENEFIT VICTIMS OF DOMESTIC VIOLENCE.**

The Connecticut Apartment Association (CTAA) is the state chapter of the National Apartment Association and represents over 26,000 units, the largest number of apartments represented by any association in the state. CTAA members consist of the state's leading firms in the multifamily rental housing industry. The association's mission is to provide quality rental housing to residents of Connecticut. Our parent organization, the National Apartment Association, represents more than 6 million apartment homes throughout the United States and Canada. The Connecticut Apartment Association (CTAA) supports legislation helping victims of domestic violence however we have concerns with Raised Bill 5246 - An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence.

Our Association's first concern is that the proposed Bill unfairly singles out and sets requirements for landlords and renters. Domestic violence occurs in all sectors of the community and not just with renters' therefore why does the Bill not make the same requirements for property owners that have mortgages and are victims of domestic violence? If the legislature's intent is to allow victims to move to a new address for safety purposes then mortgage companies should be held to these same proposed mortgage termination requirements as landlords are to lease terminations in this Bill.

The second concern our association has with the proposed language is that documentation of proof of domestic violence is too loosely defined as "any other document that establishes that the tenant is a victim of family violence". Documentation should be restricted to legal documents such as police reports and restraining or protective orders in an effort to ensure that tenants are not using this as an excuse to terminate a lease or to defer rent for a month as the bill would also allow.

The third concern our association has with the proposed language is that it would allow for lease termination with five (5) days written notice to the property owner. This is a hardship that not many property owners can bear especially in these tough economic conditions. The property would have to be cleaned and repaired and then listed. It could take two to three months to re-rent the apartment which means a loss of up to three months rent. The Bill also stipulates that the property owner must return half of the tenant's security deposit, therefore no matter what condition the apartment is left in the tenant will still receive half of their security deposit back, creating a potential for more economic loss for property owners beyond the three months rent they have already lost. Our association would suggest that the property owner be given 30 days written notice and that return of security deposit be based solely on the condition of the dwelling unit.

The fourth concern CTAA has with the proposed language is that the Bill would allow for a one-time deferral of one month's rent, with five days written notice, if the tenant chose to remain in the dwelling unit but was a victim of domestic violence. The property owner would then be required to allow the tenant to take up to six months to pay this deferred rent. The documentation is again loosely defined in this Section of the Bill as "any other document that establishes that the tenant is a victim of family violence". Documentation should be restricted to legal documents such as police reports and restraining or protective

orders in an effort to ensure that tenants are not using this as an excuse to defer rent for a month. This Also  
~~again puts an economic hardship on the property owner, who has budgeted to receive twelve months rent.~~

In conclusion, CTAA sympathizes with victims of domestic violence but has concerns with Raised Bill 5246  
- An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord and  
Tenant Statutes to Benefit Victims of Domestic Violence, as documented above.

Sincerely,  
Ann Emerson, CTAA President

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LINE 13

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**TO:** Judiciary and Human Services Committees

**FROM:** Erika Tindill, Executive Director  
Connecticut Coalition Against Domestic Violence

**DATE:** March 15, 2010

**RE:** House Bill 5246: An Act Concerning the Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence

House Bill 5497: An Act Concerning the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence

House Bill 5496: An Act Concerning Restraining Orders for the Protection of Family Violence Victim Advocates in the Workplace

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On behalf of the Connecticut Coalition Against Domestic Violence (CCADV) and its 18 member programs, thank you in advance for considering the following points regarding House Bills, 5246, 5497, and 5496.

1. **Support of House Bill 5246 – *An Act Concerning Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence.***

**Section 1** is necessary to force the Department of Social Services (DSS) to do what the legislature intended be done with marriage license surcharge funds – pass the money

directly to shelter programs providing services to victims in a timely manner. As currently written, the statute fails to specify *when* DSS must distribute the funds. Given the unambiguous legislative intent and the fact that the Department of Public Health (DPH) distributes its portion of the funds to Connecticut Sexual Assault Crisis Services (CONNSACS) without the necessity of letters to the editor, radio interviews, news stories and press conferences, that domestic violence shelters would receive these funds. We know from our experience with DSS that short of a direct mandate, each year resources will have to be devoted to negotiating the release of these funds. Member programs struggle to keep the array of shelter services in place for the families they serve even when the economy is not in recession. The retention of MLS funds by DSS to the tune of more than a million dollars is irresponsible at best given the language and intent of the statute. It should be noted that, to date, not all of CCADV member programs have received their portion of the funds some 11 months after the discovery that DSS had failed to distribute a penny of these funds in the previous two fiscal years. Even once each member receives its portion, the Department still retains a minimum of \$200,000 (20% of the total retained) intended for shelter services. This is unacceptable and should not be tolerated by those who have the power to do something about it.

- **Section 2:** This language is particularly helpful to the victim who must relocate quickly and safely and allows them to keep necessary funds to accomplish this. Opponents of this section may counter that tenants will take advantage of this law to get out of a lease. For that to be the case, the tenant would have to be willing to expose him or herself – falsely - as a victim of domestic violence. Given the stigma of being a victim and the shame associated with coming forward, it is highly unlikely that we will see a

groundswell of tenants falsely claiming to be victims in order to get out of a rental agreement. Further, the statute requires documentation that is either easily verified, or that requires a professional to risk her/his reputation and livelihood in order to vouch for the tenant. There are landlords who work with victim tenants who seek their understanding of their dire situation, but far too many are unwilling to do so. The section also allows a tenant to defer one month's rent for up to six months. Lack of financial resources is the number two reason (fear is number one) why victims are not capable of escaping a violent and toxic relationship. This section potentially provides life-saving housing assistance to victims of domestic violence.

2. **Support for House Bill 5497 – *An Act Concerning the Recommendations of the Speaker of The House Of Representatives' Task Force On Domestic Violence.***

- Under Section 14, subsection (h), CCADV proposes the following language to provide an employee with a course of civil action if an employer violates subsection (d) of this section: **If an employer discharges, penalizes or threatens or otherwise coerces an employee because the employee exercises his or her rights under subsection (d) of this section, the employee, not later than two years from the occurrence of such action, may bring a civil action for damages and for an order requiring the employee's reinstatement or otherwise rescinding such action. If the employee prevails, the employee shall be allowed a reasonable attorney's fee to be fixed by the court.**

3. **Opposition to House Bill 5496 - *An Act Concerning Restraining Orders for the Protection of Family Violence Victims in the Workplace.***

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LINE 8**Testimony Of Dianna Langston**

HB5497

HB5246

Good morning Senator McDonald, Senator Doyle, Representative Walker, Representative Lawlor and members of the Human Services and Judiciary Committee. My name is Dianna Langston and I am an Adult Advocate at New Horizons Domestic Violence Services in Middletown, CT. I am here today to support the domestic violence task force recommendations and to persuade you to allocate additional funds for 24-hour coverage at domestic violence shelters. With that said, I would like to tell you all about an amazing woman that I currently work with.

On December 2, 2009 our agency sheltered this woman and her 3 teenage children. I will identify this woman as Anne for confidentiality purposes. Anne and her 3 children have been through more trauma than any client I have had thus far. For the first time in 18 years, Anne, being married to an extremely abusive man, was able to safely leave her home. Anne has tried to leave several times in the past and attempted to seek help but she continually fell through the cracks. Anne and her oldest child are also undocumented immigrants. Anne taught herself how to speak English by watching cartoons with her children because her husband isolated her from the rest of the world. Nearly everyday of Anne's marriage she was degraded, beaten, and raped. Until the day Anne left, all 3 children were emotionally and physically abused as well. After over a two-month wait, Anne is currently working with an attorney who is helping her and her daughter file for a U VISA to gain residency. Without this visa, Anne and her daughter would never be able to attend college in the future and live their dreams of a better life. Anne's next step is to

begin divorce and custody proceedings with CT Legal Services so that Anne and her children can finally break the rest of their ties to a man each of them wishes to forget.

Anne is one of the many survivors the 18 domestic violence programs in Connecticut see every day. With our help, Anne and her teenage children will eventually be able to move out of the shelter and on to a violence free life. For Anne, that day cannot come soon enough.

Anne and her children, along with many others would never be able to break the cycle of domestic violence and safely be freed, if not for the services of domestic violence programs and laws designed to protect her. Today, I ask you to consider moving forward with Raised Bills 5246 and 5497. Thank you.

PAGE 1  
LINE 2

**State of Connecticut**  
OFFICE OF THE SPEAKER  
LEGISLATIVE OFFICE BUILDING, ROOM 4100  
HARTFORD, CONNECTICUT 06106-1591

**Testimony of Speaker of the House Christopher G. Donovan  
To the Judiciary and Human Services Committees in support of:  
HB 5497, *AAC the Recommendations of the Speaker of the House of Representatives' Task Force on  
Domestic Violence and*  
HB 5246, *AAC Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant  
Statutes to Benefit Victims of Domestic Violence*  
March 15, 2010**

Good morning Representative Lawlor, Senator McDonald, Representative Walker, Senator Doyle, and members of the Judiciary and Human Services Committees.

I appreciate the opportunity to express my strong support for HB 5497, *AAC the Recommendations of the Speaker of the House of Representatives' Task Force on Domestic Violence* and HB 5246, *AAC Distribution of the Marriage License Surcharge and Changes to the Landlord and Tenant Statutes to Benefit Victims of Domestic Violence*. These two bills, along with HB 5315, *AAC Education and the Reduction of Domestic Violence*, comprise a three bill package drafted from the recommendations of the bipartisan, bicameral Task Force on Domestic Violence. These proposals have been shaped by the input of dozens of advocates, survivors, law enforcement officers, support service providers and state agency staff working on the front lines of these issues.

On average Connecticut sees 20-25 murders related to domestic violence each year—I think we can all agree that's 20-25 deaths that should never occur. Recently, it has seemed that a new incident of domestic violence has surfaced nearly every day. In fact, since the beginning of 2010, there have been eight alleged homicides linked to domestic violence. That's eight tragic deaths in just ten weeks, and there are many more victims whose struggles with family violence go unreported. As a state, we can do more to prevent these tragedies.

The recent spate of incidents has brought weaknesses in the system into focus. The legislation proposed by the task force will lead to meaningful changes aimed at preventing and addressing family and teen dating violence and empowering educators, service providers, law enforcement, state agencies, and survivors with new tools. Some of these solutions are new and some are recommendations you have heard before, but I cannot think of a better time to implement changes that will move our state forward in addressing these crimes.

HB 5497 (Judiciary Committee)

HB 5497 improves interagency sharing of information, strengthens the enforcement of protective orders, and gives victims employment protection so they can use their leave time to deal with domestic-violence related issues.

In addition to removing barriers to communication among the variety of agencies involved in family violence cases, this bill facilitates the recognition of Connecticut's protective orders by law enforcement in other states under the nationwide Project Passport initiative. The bill also ensures that judges have access to the protective

order registry and information on offenses committed within the last ten years and in other states, over and above the current 5-year in-state look back period for persistent offenders.

The legislation also strengthens the enforcement of protective orders by permitting judges to order GPS monitoring of domestic violence offenders who carry a high risk of violation. In addition to allowing law enforcement to monitor the offenders, these devices are designed to notify victims in live time that an order has been broken, so that they can take action to protect themselves. Acknowledging that victims are often overwhelmed with the tasks required to ensure their safety and wellbeing, the legislation also permits victims to use their paid and unpaid leave time to make court appearances, relocate to secure housing, and obtain medical and counseling services, without fear of losing their jobs.

Finally, this legislation encourages the Judicial Branch to develop additional domestic violence dockets within available appropriations. Domestic violence dockets use a multidisciplinary team approach to share information and provide appropriate recommendations on effective penalties. Dedicated domestic violence dockets are already fully operational in seven criminal court locations (Bridgeport, New Britain, New Haven, New London, Norwalk, Stamford, and Waterbury) and under development in Derby and Hartford.

#### HB 5246 (Human Services Committee)

The economic downturn has resulted in increased demand for domestic violence programming. Connecticut is served by 18 regional programs that provide community education, victim advocacy, support services, and temporary emergency shelter. These programs receive their funding from public and private grants, including a portion of the \$20 surcharge assessed on marriage licenses. These fees are distributed to programs by the Department of Social Services. In fiscal year 2009, the domestic violence account at DSS exceeded \$1 million, but the funds were not distributed. HB 5246 requires DSS to transfer these funds to programs on an annual basis. This bill also provides resources for 24/7 staffing at domestic violence shelters to meet the needs of our communities. Several shelters have already secured stimulus funds to temporarily provide these services in light of caseload increases. Finally, the bill assists victims in maintaining safe housing by permitting them to defer a rent payment or incur a lower penalty if they need to relocate to ensure their security. I would also encourage the Human Services Committee to consider adding a provision to the bill concerning the use of public service announcements to raise awareness of teen dating and domestic violence.

I would like to take this opportunity to express my appreciation to Rep. Mae Flexer, Chair of the task force and all of the members who have been working tirelessly on these important changes. I would also like to thank the chairs of the Judiciary and Human Services Committee for raising these bills. I urge your continued support for these critical proposals.