

PA13-214

HB6702

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

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the Clerk will take a tally. The Clerk will announce the -- Representative Kupchick, for what purpose do you stand, Madam?

REP. KUPCHICK (132nd):

Yes, Madam Speaker. I'd like my vote to be noted in the negative.

DEPUTY SPEAKER SAYERS:

Thank you. The Clerk will record the vote in the negative.

The Clerk -- okay. The Clerk will announce the tally.

THE CLERK:

Substitute Senate Bill 910 as amended by Senate A and House A and B.

Total Number Voting	135
Necessary for Adoption	68
Those voting aye	102
Those voting nay	33
Absent and not voting	15

DEPUTY SPEAKER SAYERS:

The bill passes. Will the Clerk please call Calendar 523.

THE CLERK:

Madam Speaker, on page 49 of today's Calendar,

HB 6702

House Calendar 523, favorable report of the joint standing Committee on Approps, substitute House Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

DEPUTY SPEAKER SAYERS:

Representative Flexer of the 44th.

REP. FLEXER (44th):

Good afternoon, Madam Speaker. Madam Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is accepting of the joint committee's favorable report and passage of the bill. Representative Flexer, you have the floor.

REP. FLEXER (44th):

Thank you, Madam Speaker. Madam Speaker, the Clerk has an amendment, LCO 7775. I would ask that the Clerk please call the amendment and that I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO number 7775 and the Representative has asked permission -- will the Chamber stand at ease for one moment please.

(Chamber at ease.)

DEPUTY SPEAKER SAYERS:

Chamber will come back to order. Will the Clerk please call LCO number 7775. As -- and it will be designated as House Amendment Schedule A.

THE CLERK:

House Amendment A, LCO 7775 as introduced by Representative Fox and Flexer.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection? Hearing none, Representative Flexer, you have the floor.

REP. FLEXER (44th):

Thank you, Madam Speaker. Madam Speaker, the amendment before us is a strike all amendment. It eliminates the fiscal note that was associated with the underlying bill. It contains many of the original provisions of the underlying bill. It reflects compromises that we have come to with the Judicial Department regarding some sections of the bill.

It contains clean up language to change the term battered women to victim of domestic violence

throughout our statutes. It extends housing protections to victims of sexual assault. It requires the Judicial Department to develop an implementation plan for financial supports for restraining orders. It creates a taskforce to study restraining orders for victims of sexual assault and stalking.

It adds an appointment for an additional victims' services organization on the Criminal Justice Policy Advisory Commission. It cleans up language regarding restrictions on persons who are subject to an order of protection. And directs the Department of Emergency Services and Public Protections to develop protocols for these restrictions. And it requires the Judicial Department to work to find space for domestic violence victim advocates in our courts where possible. I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of House Amendment Schedule A. Will you remark on the amendment? Representative Rebimbas of the 70th.

REP. REBIMBAS (70th):

Thank you, Madam Speaker, and good afternoon. Through you, Madam Speaker, a few questions regarding the amendment that's before us to the proponent.

DEPUTY SPEAKER SAYERS:

Please frame your question.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Through you, Madam Speaker, to the proponent of the amendment. In the summarization of the amendment it was described that this would address some issues regarding domestic violence regarding sexual assault and I know that we already have laws in existence. If the kind Gentlelady would highlight exactly what this amendment does in the enhancement of those protections. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. This amendment again contains many of the original provisions in the underlying bill to protect victims of sexual assault and domestic violence. It extends housing protections to sexual assault victims. It requires the Judicial Department to develop an implementation plan for financial supports in restraining orders.

It creates a taskforce to study the issue of restraining orders for victims of sexual assault and

stalking. It adds an additional appointment for a victims' services organization on the Criminal Justice Policy Advisory Commission. And cleans up language regarding restrictions on people who are subject to orders of protection.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I thank the Representative for repeating the summarization of the amendment that's before us. And maybe I wasn't clear on my question. My question pertains specifically to the definition of victims of sexual assault. How does the amendment before us change the current law that we have in that regard? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Through you, Madam Speaker. The amendment before us maintains the existing definition of sexual assault that's already in our statutes. It does not change that.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Through the amendment before us are we expanding the rights of sexual assault victims in any way? Through you, Madam Speaker. And -- excuse me. And let me clarify again that question because that may have led to highlighting the amendment that's before us.

If I'm not mistaken I believe that people who are victims -- alleged victims of sexual assault have the ability to file certain restraining orders. And through this amendment that extends to a category of people that they could file restraining orders against. So through you, Madam Speaker, if the proponent of the amendment could highlight that. Through you -- through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. The bill before us creates a taskforce which will study whether or not victims of sexual assault and stalking can seek restraining orders in certain situations and that taskforce has a variety of members that will have input in that study.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I thank the Representative for her explanation. So in fact the amendment before us does not create that. Any expansion of the definition of who is a victim of sexual assault or who they can file restraining order but this is going to be then left to the taskforce to study that further. And through you, Madam Speaker. Who would be serving on the taskforce and do we have any deadlines for the taskforce to provide any recommendations? Through you.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. Madam Speaker, through you. The deadline for the taskforce is February 5, 2014. The Chief Court Administrator will be the Chairperson of the taskforce. There will be four members of the Judiciary Committee who will serve on the taskforce including a representative from the Chief State's Attorney's Office and representatives from the Judicial Branch and the Connecticut Sexual

Assault Crisis Services Centers.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And specifically regarding Judicial Branch, this amendment does not require them to provide any type of special accommodations if it is not available to victims of sexual assault in the courthouses. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

This amendment does not provide for any special accommodations for victims of sexual assault in courthouses.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And through you, Madam Speaker. Specifically regarding ex parte orders it's my understanding that there are some restrictions regarding the ex parte orders. If the proponent of the amendment can highlight what the ex parte orders

is regarding the amendment that's before us.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. Through you. There are no restrictions on ex parte restraining orders in this amendment.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Would the ex parte orders regarding any type of financial relief also be subject to the taskforce to study? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

No. That would not be subject to the taskforce on the issue of sexual assault victims and restraining orders. That would instead fall under the direction of the Judicial Department's implementation plan for restraining order for victims of domestic violence and financial supports.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I thank the Representative for her clarification in that regard as I am working off an amendment from the underlying bill that unfortunately I haven't had the opportunity as the amendment is a strike all amendment it's pretty lengthy. So I do appreciate her patience in responding to these questions.

The Judicial Branch that are going to be looking at the potential implementations of this type of financial assistance potentially. Once the judicial plan -- Judicial Department examines that are they under any legal obligation to actually implement a procedure? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Through you, Madam Speaker. No, the Judicial Department is not obligated to implement this plan under this legislation. They are obligated to develop the implementation plan and study the feasibility of looking at financial supports as part of restrictions and restraining orders and that plan needs to be

submitted to the Judiciary Committee by January 15 of 2014.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. And I'd like to thank the Representative for the work that she has done on this amendment. And certainly I do believe that the amendment before us addresses a lot of the concerns that we had even in committee. Many of us voted for this because we knew that it was a work in progress.

We knew that the Representative and several other members of the committee were going to be meeting with judiciary because we were concerned about some of the mandated language and additional burdens that potentially the Judicial Branch was going to be faced with based on the original language of the underlying bill.

So I am going to support the amendment that's before us because a lot of this is really looking at these types of issues and certainly then we'll have the appropriate people addressing them as to determine whether or not something would be feasible.

I'm also in support of the amendment because at

this time it does eliminate any fiscal impact but just for clarification purposes and legislative intent if I may through you, Madam Speaker, to the proponent of amendment just to confirm that there is no fiscal impact associated with the amendment that's before us here today.

DEPUTY SPEAKER SAYERS:

Please frame your question. Representative Flexer, prepare yourself.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Is there any fiscal impact based on the amendment that's here today?
Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Flexer.

REP. FLEXER (44th):

Thank you, Madam Speaker. Through you, this amendment mitigates -- eliminates all of the fiscal costs originally associated with this bill.

DEPUTY SPEAKER SAYERS:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Madam Speaker. Once again I'd like to thank the Representative for her responses and I do

rise in support of the amendment that's before us.

DEPUTY SPEAKER SAYERS:

Will you remark further? Will you remark further on the amendment before us? If not, I will try your minds. All those in favor signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER SAYERS:

Those opposed, nay. The ayes have it. The amendment passes. Will you remark further? Will you remark further on the bill as adopted -- on the amendment - the bill as amended -- amended? If not, will staff and guests come to the well of the House. Members take your seats and the machine will be opened.

THE CLERK:

The House or Representatives is voting by roll.
The House of Representatives is voting by roll. Will members please come to the Chamber post haste.

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that your vote has been properly cast. If all the members have voted then the machine will be locked and the Clerk will

take the tally. The Clerk will announce the tally.

THE CLERK:

Substitute House Bill 6702 as amended by House A.

Total Number Voting 135

Necessary for Adoption 68

Those voting aye 135

Those voting nay 0

Absent and not voting 15

DEPUTY SPEAKER SAYERS:

The bill as amended passes. ✓

Representative Vicino, for what purpose do you stand?

REP. VICINO (35th):

I'd like to vote in the affirmative on that.

DEPUTY SPEAKER SAYERS:

The transcript will so note that your vote is in the affirmative, Sir.

REP. VICINO (35th):

Thank you.

DEPUTY SPEAKER SAYERS:

Are there any announcements or introductions?
Are there any announcements or introductions?

Representative Wood of the 141st.

REP. WOOD (141st):

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Mr. President, if there's no objection, I order -- ask that we move it to consent.

THE CHAIR:

You may order it.

Is there objection?

SENATOR BOUCHER:

No. No, Mr. President, there's no objection, but I also wanted to return the comments back to our good chair. Thank you very much and appreciate the tremendous leadership provided to us on that committee.

THE CHAIR:

Thank you, Senator.

Without objection so ordered.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Wanted to mark a couple of additional items for the consent calendar and a couple of other gos.

Mr. President, the matter on calendar page 13 -- excuse me, calendar page 11, Calendar 612, House Bill 6448, I'm not sure whether I had mentioned that one earlier. It should be added to consent.

And Mr. President, also calendar page 14, Calendar 652, House Bill 6702, move to place that item on the consent calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

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Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

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The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT
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REP. FOX: Are there other questions? No. Thank you very much.

JAMES MCGAUGHEY: Thank you.

REP. FOX: I think that gets us through our first hour, at which time we will now switch to the public sign-up sheet and alternate until we finish our public officials list. The first members of the public are Chief Anthony Salvatore and Chief Matthew Reed. Good morning.

ANTHONY SALVATORE: Good morning.

MATTHEW REED: Good morning. Distinguished members of the Committee, I'm Matthew Reed, chief of police of the South Windsor Police Department, my colleague, Chief Tony Salvatore of the Cromwell Police Department. We both serve as the legislative co-chairs for the Connecticut Police Chiefs Association, and it is they that we represent here today.

HB 6702
HB 6691
HB 6698

We have submitted some detailed testimony on several bills. I'll review some of that testimony here orally. Committee Bill 291 is AN ACT CONCERNING PROCEDURES FOR DETERMINING THE POTENTIAL DISQUALIFICATION OF A JUDICIAL BRANCH OFFICIAL AND ESTABLISHING A PROCESS THAT ALLOWS THE OFFICE OF THE ATTORNEY GENERAL TO REVIEW COMPLAINTS OF WRONGDOING BY MUNICIPAL POLICE DEPARTMENTS.

Connecticut Police Chiefs are concerned with the conduct of our police officers as any other group or individual is. Our departments have a process in place for complaining about the actions of a police officer. And many municipalities have a process for accepting complaints about their law enforcement agency.

There's another bill that's passed out of Committee already that will be before the entire Legislature that charges POSTC, the Police Officers Standards and Training Council, with developing a uniform statewide policy for the investigation of citizen complaints against police officers.

Recent history demonstrates that there are already a number of outside agencies that have the authority to investigate alleged misconduct of police officers, the state's attorney's office, the chief state's attorney, the U.S. Department of Justice, the FBI, to name just a few.

The extension of the authority of the Attorney General's Office to investigate Connecticut's municipal operations may be an overreach of the AG's mission. And we urge the Committee to strike this language from the proposed bill until municipalities and other stakeholders have the opportunity to gauge the impact of this change to the AG's Office and municipal operations.

Connecticut Chiefs also oppose certain language in Raised Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE. This bill affirms the requirement that persons who become disqualified from possession of a firearm surrender the firearm to a person who is otherwise qualified. That is the status of the law as it exists today.

However, this proposal goes a step further in that it requires a police officer or a state trooper to facilitate the weapons transfer and to accompany the individual while this transfer takes place and witness the transaction.

We feel that this would be overly burdensome on law enforcement and also create a special

relationship with unforeseen legal implications between that department and the people involved in this firearms transaction. We ask the Committee to strike specifically the language in the bill that's in lines 590 through 600.

In CPCA, the Connecticut Police Chiefs vehemently opposes Raised Bill 6691. This is AN ACT CONCERNING THE ISSUANCE OF A WRITTEN COMPLAINT AND SUMMONS FOR THE COMMISSION OF A MISDEMEANOR OR VIOLATION. This proposal would eliminate the ability of a police officer to book a suspect when they are accused of a misdemeanor crime. By eliminating the booking process, that means no photograph and no fingerprints.

This bill removes from our police officers the discretion to make an in-custody arrest for crimes that are deemed misdemeanors. These are crimes that include criminally negligent homicide, assault in the third degree with a deadly weapon, assault of an elderly, blind, pregnant, or mentally disabled person, threatening, reckless endangerment, sexual assault in the fourth degree, prostitution, criminal trespass, and many others.

All of these listed crimes are significant. And an arrest for such crimes should result in the offender being taken into custody, fingerprinted, and booked at police headquarters. Fingerprinting is our only true method of identification of an offender. It is the way a person's criminal record is tracked and is maintained to be legitimate.

Therefore, we would discourage the Committee from taking any action that would eliminate the ability of our police officers to actually arrest criminals. With that, I'll turn it over to my colleague, Chief Salvatore.

ANTHONY SALVATORE: And just further, commenting further on that bill, officers already have the discretion today that if we have a 90-, and 80-year-old individual that we get shopping in one of our local big-box stores, and they're shoplifting, we can already issue a citation in the field and not bring that individual in.

So I agree with what we wrote with regards to this is not necessary. And, again, no record would be found of these individuals, because in order for there to be a record, it has to be supported by mug shots and fingerprints.

In addition, the Association also supports 6698 with regards to AN ACT CONCERNING GRAND JURY REFORM and the testimony that you received before you from the chief's state's attorney. And we'll be happy to answer any questions.

REP. FOX: Thank you, gentlemen. I think a few members may have some questions, but I'd like to begin by asking you about the domestic violence bill and your opposition to that. And I appreciate what you're saying, but I wanted to just walk through what happens and see if you, what your experience has been, and you can perhaps tell me where we can try to work on this.

HB6702

Many times when there is a protective order issued, I think just about every time there is a protective order issued, you have to relinquish your firearms. That's an order of the court, and it's something that the defendant is required to do. And they have to do so within a, I believe it's 48 hours.

And one of the concerns is that the court's order occurs at a time when the defendant is perhaps at their most angry, most frustrated.

They may have spent the night in jail, maybe just gotten either bailed out or released by the court.

They are told that they cannot return to their home or if they return to their home, they need to be, I guess that might maybe be a starting point for my question, is what role do you play if, for example, an individual is told to go to their home to get a suitcase or get a bag so they can move out if they're told to move out of their home?

MATTHEW REED: Well, oftentimes, we'll receive notification that this person has to be accompanied by a police officer. They will allow, oftentimes a court will say, you can return to your home one time while in the presence of law enforcement, and you can clear items out of your home that you need immediately.

We won't sit there while they move everything out and spend several hours, but we'll spend a reasonable amount of time within our resources to allow them to comply with that order, to move everything out of the house. And we will stand by that as essentially what we call a breach of peace.

Generally, that happens because either the court has ordered that it be a police officer that accompanies the person or that they can only return to the house in the presence of law enforcement, although sometimes people will come to us on their own and say, I need to return to my home. I don't feel comfortable going on my own. I would like you to accompany me.

And in that case, we certainly will call an officer in, and they will go, and they will

accompany. This is assuming there are no weapons that are involved. If we get the order that the weapon has to be turned over -- first of all, let me say once we get the copy of either the restraining order or the protective order, it comes over to the police department, somebody who's charged with our firearms investigation will take that and look to see if the person does have a firearm in the house.

If they have a firearm in the house, we'll make contact, and we'll ensure that within that 48-hour window there is compliance with turning over the firearm.

ANTHONY SALVATORE: And there still may be the same order that they can't go to their house unless --

MATTHEW REED: Yeah.

ANTHONY SALVATORE: -- accompanied by a police officer.

REP. FOX: Okay. Because, I mean, my concern would be an individual at a time when they're most likely, perhaps most, not thinking rationally is under court order to gather up all their guns and ammunition and drive around and get rid of it somehow. And I, to me, that just seems to be recipe --

ANTHONY SALVATORE: Well, under the law that this body --

REP. FOX: Yeah.

ANTHONY SALVATORE: -- just changed several years back, they only had the option of turning the weapons over to standard local police or sell them to an FFL.

REP. FOX: No. And, well, I'm familiar with that, and I think that was an improvement, but I also, because I know in the past, I mean, there was concern that you were, they were giving it to a friend or a family member --

ANTHONY SALVATORE: Correct.

REP. FOX: -- or something like that. But there's still, for me at least, a concern that an individual, at a time when they may have just spent the night in jail, are in a more vulnerable state mentally, is under an order to get their guns and their ammunition and dispose of them and without any type of supervision. To me, but I recognize, but you're saying that the, oftentimes the court may order police to --

ANTHONY SALVATORE: Supervision.

REP. FOX: -- supervise.

ANTHONY SALVATORE: And incidentally, if the incident happened, let's say, last night, and officers went to the residence, they have the potential at that time also of seizing weapons at the time of the incident.

REP. FOX: Okay. Well, I mean, I'd like to talk to you more about this, because I think, I mean, I know you're, you obviously want to avoid something from happening as well, and if there's a way to do this and a way that we can make sure that the concerns are met without imposing too much on what you're already doing, I'd like to try and do that.

ANTHONY SALVATORE: We would happy --

REP. FOX: Okay.

ANTHONY SALVATORE: -- to meet with you,
Representative.

REP. FOX: Thank you. Representative Ritter.

REP. RITTER: Thank you, Mr. Chairman. And, Chiefs,
thanks for being here today. Just a quick
question on your testimony in reference to
Senate Bill 291.

In the testimony, you made reference to a bill
that we passed last Friday, which dealt with
the idea of promulgating, POSTC promulgating
standards from municipal apartments to
(inaudible) policies. And we had a little bit
of back and forth. I know myself and
Representative Shaban had a good conversation
about what it should exactly read like.

And the question was, should POSTC be setting
minimum standards? Then every municipal police
department says, okay, you adopted this. We
can add onto it, but these are going to be at a
minimum.

Or do you believe it's better to give municipal
police departments the flexibility to ignore
POSTC's recommendations and say, you know what,
thanks but no thanks, because I'll tell you, my
concern was that, and I can understand
arguments both ways, we just don't want to make
sure that police departments put, you know,
paper tiger that really has no teeth to it.
And that was the hope of having POSTC put
together something. So I'd just like your
response to that if you don't mind. Thanks.

MATTHEW REED: Well, Chief Salvatore also serves as
chairman of the Police Officer Standards and
Training Council, so I certainly defer to him
as far as the authority of POSTC and what would
work best for POSTC.

So I think, my opinion, you know, and I respect your opinion, but I think that it would be a good idea to have somebody else, you know, that is, you know, like the state attorney watching over those complaints, because I think that we can resolve a lot of stuff.

ANTHONY GONZALEZ: Well, again, I respectfully disagree, but I can tell you, and I'll use my town as an example, if someone files a complaint with one of my supervisors or my second in command regarding the activity of one of my officers, and nothing is done about it, and they come to me, and I still don't do anything about it, then I would expect them to go to my legislative body, which is my local board of selectmen, or, in my case, I report directly to the first selectman, and that body should then look into what you're alleging as whatever type of problem, specifically if it's not a criminal problem.

If it's a criminal problem, then I would direct you to that jurisdiction's state's attorney. But I think there's a number of bodies that are already in place that could review what you're saying. And nothing against Hartford, but I would suggest that you sit down with Chief Rovella and possibly discuss what your concerns are and see why, in fact, individuals that are filing complaints may have not had action taken on it, because there may be a legitimate reason why no action is being taken.

REP. GONZALEZ: Thank you.

SENATOR COLEMAN: Are there other Members who may have questions? Representative Carpino.

REP. CARPINO: Thank you, Mr. Chairman. Chiefs, thank you for coming. I want to ask you a question on 6702, lines 590 to 600, that you

talked about. I understand your concerns, and I appreciate them as stretching already stretched local departments. And I'm looking to try and find a compromise. What would your thoughts be on having a transfer done at the police station?

MATTHEW REED: Well --

REP. CARPINO: And would that solve any of your, of the issues?

MATTHEW REED: Well, one of the, as we discussed this, one of the ideas we contemplated was the idea of transactions happening at the police department. We do visitation issues right now, oftentimes in the parking lot or the front lobby of the police department.

But I don't know that we want to encourage anybody who is especially in that emotional fragile state to be bringing their guns into the police department. I just think that is maybe asking for trouble where trouble didn't exist previously.

As far as I know, the language in the law will remain as it has now in that they have to transfer the ownership of the weapon to DESPP or somebody who is otherwise qualified, provided they go through all the transaction requirements that exist now under the new law. And that has been happening since the original law was passed, I think without incident.

I wasn't able to find any particular incident where this transaction either was not occurring or there was some act of violence that occurred during the passing off of the weapon. So I think essentially our message is that we don't see the need for that added provision.

You just have to understand with the resources, whether you're in a Bridgeport or a New London or a New Haven or a South Windsor or a Cromwell, to have an officer escort somebody when they're going to make this, do this type of a transaction, I think there is a certain, well, this special relationship that is then entered into between the agency and the people that are a party to the transaction, whether it happens in the front lobby of the police department or somewhere else where perhaps there is now some liability back on the municipality because you have condoned this transaction. So --

ANTHONY SALVATORE: Well, actually though we, they do bring them in today.

MATTHEW REED: They bring the guns in to turn them over to the --

ANTHONY SALVATORE: To turn --

MATTHEW REED: -- law enforcement agency.

ANTHONY SALVATORE: -- law enforcement.

MATTHEW REED: But this is --

ANTHONY SALVATORE: They'll make a, they'll call and make arrangements, and they'll bring the weapons in.

MATTHEW REED: That's to turn it over to the agency, but my reading of this statute is that if they're going to conduct this transaction with another individual, we have to accompany them and be a part of that transaction. And I think that's where our fears our, is being a part of that transaction.

ANTHONY SALVATORE: Right. In other words, if they were going to sell them to an FFL, it appears that we have to be involved.

REP. CARPINO: And I appreciate this, and maybe we can talk more offline about this, knowing that they already turned them over to the police station, so we already have the opportunity for individuals to come in.

ANTHONY SALVATORE: And we have two choices, Representative, today. They, unlike years ago. They either turn them in to state or local police, or they have to sell the weapons to a Federal Firearms Licensed dealer.

REP. CARPINO: And I'm well aware of that, but my question here, knowing that you want to strike this provision, was wondering if you had any suggestions knowing that we do need to get these out of the hands of folks who don't need them. And it was my understanding that your opinion was to get rid of this provision, and I was looking to see if you had any alternatives. Thank you.

A VOICE: Okay.

SENATOR COLEMAN: Are there other questions? Seeing none, thank you, gentlemen.

ANTHONY SALVATORE: Thank you, Senator.

MATTHEW REED: Thank you.

SENATOR COLEMAN: Chief James Rovella and Richard Holton.

JAMES ROVELLA: Good morning, everyone, and thank you very, very much for allowing me to speak today. And I've also supplied written testimony in regards to 6703, our youth

not a question, just again a compliment. Thank you very much for your testimony, but then most importantly for your offer on the Truckers Against Trafficking to certainly be involved. It sounds like you guys were aware of the situation or have taken at least, you know, the efforts to make it known amongst your membership. And certainly I will try to make sure that the appropriate Committee members, I know there's a commission as well that is looking at the -- or studies this topic, make them known of your organization as well. So thank you.

MICHAEL RILEY: Thank you.

REP. FOX: Are there other questions for Mr. Riley?

No. Thanks, Mike.

Lisa Andrews.

LIZA ANDREWS: Good afternoon, Representative Fox, Senator Coleman, members of the Committee. My name is Liza Andrews, I'm the Communications and Public Policy Specialist for Connecticut Coalition Against Domestic Violence. I'm here today in support of House Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT. I have submitted -- submitted written testimony about each section of the bill, and I'd be happy to answer any questions about any portion of the bill.

I do just want to spend a couple moments focused on section one which would add language to our state's restraining order statute giving judges the ability to grant financial orders as part of the restraining order process. So if the respondent has the legal duty to support the victim and the ability to pay, a judge could require that respondent to provide

temporary financial assistance to the victim for a period of up to 120 days. According to the American Bar Association, 37 states have incorporated some form of temporary spousal and child support in the civil restraining order. This includes the surrounding states of Maine, Massachusetts, New Hampshire, New Jersey, and Vermont.

From our perspective this is a critical piece of victim safety. Domestic violence is not just physical abuse, it's a pattern of controlling force of behavior that can take many forms and that includes financial abuse. Research shows that 98 percent of abusive relationships include some form of financial abuse. So that could be withholding money from the victim, preventing the victim from working to obtain resources, running up debt in the victim's name.

Either way at the end of the day the victim is left entirely financially dependent upon their abuser with little or no ability to financially care for themselves or their children. So they're often faced with the agonizing decision of staying and living with the abuse or leaving and potentially facing poverty and homelessness. So requiring the respondent to provide this temporary financial assistance at the time of the restraining order could mean the difference between leaving or staying, leaving and returning a couple of days later because of financial constraints.

Obviously removing the abusive partner from the home is a critical piece of victim safety. But if the victim is left homeless because that person was paying for the home, then that victim's safety remains at risk due to homelessness. I do just want to say that some of our intent with the language was that the

financial orders would only be considered during the restraining order hearing and not as part of any temporary ex parte order that a judge may issue. And also that violation of the financial order piece of the restraining order would be considered contempt of court and not a criminal violation of the restraining order. I'm happy to answer any questions.

REP. FOX: Well, thank you.

Are there questions?

Thanks for your testimony this afternoon.

LIZA ANDREWS: Thank you.

REP. FOX: Has Kathy Matson testified? Hello.

KATHY MATSON: Good afternoon.

REP. FOX: Good afternoon.

KATHY MATSON: It's a long day. Hi, my name is Kathy Matson. Thank you for the opportunity today to speak on such an important issue of House Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT. I am here today to testify on section four which requires the chief court administrator to provide a secure conference room for victims of family violence crimes and advocates for victims of family violence crimes.

My name, again, is Kathy, and I'm a Family Violence Victim Advocate at Interval House, the largest 18 domestic violence programs in the State of Connecticut. Interval House provides comprehensive domestic violence services to victims of domestic violence in Hartford as well as 23 other surrounding towns.

Our domestic violence programs across the State of Connecticut have family violence victim advocates in the criminal courts where they provide needed extensive, comprehensive advocacy services to victims of domestic violence after the arrest of a family member and/or an intimate partner. Interval House has family violence victim advocates in the Hartford and Manchester courts. I have been housed in the Manchester court for over 25 years. Last year, in 2012, Interval House provided services to 900 victims in the Manchester court alone.

I am here today because we are in desperate need of a confidential space in the Manchester court where we can interview victims. Perpetrators of domestic violence rarely take responsibilities for their violent behavior. Blaming the victim and retaliating when they reach out for help as calling the police. Therefore, when a perpetrator gets arrested the risk level of the victim can rise to the level of lethality.

The perpetrator has to appear in court and, given the opportunity, will try to intimidate the victim hoping that she will be too afraid to participate in the court process which can hold him accountable for his behavior. It is extremely important that a victim comes to court. She can feel safe -- it's where she can feel safe and comfortable sharing information about her situation without the possibility of the perpetrator finding out.

I've dealt with victims who have been sexually assaulted who have not agreed to talk to me because they're too ashamed and they really don't want to talk about what happened. Imagine having that conversation in the lobby of a courthouse. This has become a huge

challenge for those of us advocates who do not have office space available. In the Manchester court, over 15 years have been -- I've been forced to interview victims in the lobby and at times even in the ladies room. In this situation victims might not feel comfortable telling us the whole situation, therefore, hindering our ability to get the information we need to provide them the best services possible.

Please support this bill which will assist us to facilitate the confidentiality and privacy provision afforded victims in the Connecticut General Statutes, VAWA and FVPSA. Confidentiality is essential to victim's ability to feel safe and at this time this has been jeopardized by the lack of office space. Although we safety plan with every victim, it is still difficult to feel safe when you're feeling so exposed. If victims of domestic violence do not feel safe inside a courthouse, where else can they feel safe? Any questions?

REP. FOX: Are there questions?

No. Thank you. Thanks for being here all day.

KATHY MATSON: Thank you.

REP. FOX: Linda Lintini.

GREG BENSON: She's not here, but I think we skipped me twice. You called me first when I was 33rd and I was in the lunchroom.

REP. FOX: Okay. Yep. You're next. Well, Raymond Bechard who is already gone and then Greg Benson.

Then, okay.

be, but it's important that we offer things besides traditional mental health services. And peer support is incredibly important.

In the late 1800s, early 1900s, psychiatric hospitals in this country were filled with people dealing with alcoholism. Then our community through Bill Wilson and AA helped people and took them out of there. And we helped each other with peer support, we worked with the steps, we learned how to remake our life and how to be accountable for ourselves and find happiness. The mental health world needs the same peer support. It's incredibly important we start to really push this within the system and also within our communities. Thank you.

SENATOR COLEMAN: Thank you. Are there questions?

Seeing none, thank you for your testimony, Mr. Drumm.

Paola Serrecchia is next.

PAOLA SERRECCHIA: Hello, everyone. My name is Paola Serrecchia from Clifford Beers Clinic. I want to start with -- that William Ramirez was supposed to be here today, a 22 year old that I worked with the family, but he was so distraught this morning in the thoughts of coming today and telling his story that he wasn't able to do it, it was too painful. So he asked me if I would come up. So I've given my testimony, but this will actually be William's testimony.

So the testimony for William Ramirez submitted to the Judicial Committee in favor of Bill 6702 and 6684, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT and DELIVERY OF MENTAL HEALTH SERVICES. As I said, my name is Paola

Serrecchia, I was working as a care coordinator at Clifford Beers Clinic when William's family was referred to me. William is a sibling of four -- of five and his mother were suffering from the effects of trauma inflicted by domestic violence perpetrated on them by the father and stepfather. He had access to multiple -- multiple weapons and had repeatedly threaten to shoot and kill William's mother.

The children were at risk of being removed from the home and institutionalized by the Department of Children and Families. I was able to access wrap-around services and build a team in place, to build a care plan that included transportation, child care, special education for all the children, safe and affordable housing, domestic violence counseling, individual therapy for all the children, and other intervention programs so that they weren't placed out of the home. The perpetrator was incarcerated and a protective order was put in place. The family was able to move into a safe home and the children could play outside in their backyard and the healing began.

Wrap-around flex funds paid for the mother to be able to obtain her GED and take a certification program in forensic science. She got a job working at the Hartford Police Department and starting to make plans to go to college. Within one year William's mother contacted me in desperation and agony. She had heard on the street and from the perpetrator's family that he was coming out and he was coming to get you. He was not required to turn his weapons in when the protective order was mandated in 2007.

We contacted the court victim advocate to find out why the family was not informed that their

abuser was going to be released. She had not informed us because she was not aware of the pending release and she was able to confirm that the story was correct. After ten years of living in Connecticut, the family had to abruptly uproot themselves within one week, flee to Puerto Rico to live. The family -- the family was broken up and the children were sent to live with different family members in Puerto Rico and across the United States. We attempted our best to coordinate services across states, but we were unable to put them in all in place since the children and their mother had been separated.

Two years later the family was not doing well, the mother had used the care coordination model and her acquired advocacy skills that she learned as part of No More Crumbs Coalition to access services for her family. But they were not able to get the trauma informed care they needed, and they desperately wanted to be together. The perpetrator had moved out of state and she wanted to come back to Connecticut. I am still at Clifford Beers Clinic, but now I have responsibilities as a family advocate. The family is working hard to move on with their lives.

Please pass Bill 6702 so that other families do not have to go through what William's family went through. If passed, the perpetrator would have to give up his weapons when a protective order is mandated and the parole officer would have to inform the court victim advocate which would have given us more time to put a care plan in place. Please do not let this happen to another family. Thank you for your time.

SENATOR COLEMAN: Thank you.

Are there questions for Ms. Serrecchia?

WILLIAM CHURCH: Representative, the other very important thing this year is that the federal government in MAP-21, section 405 of MAP-21 which you may be aware of, they have set aside \$20 million for states who pass all offender laws. This is not the typical transfer that we've had in the past, these are grants. You do it, you get it. You don't do it, it's gone. And so this year, if money is an issue, which money is always an issue, the offender pays for the ignition interlock.

There is a fee that is charged that goes to the Department of Motor Vehicles. In addition, this year with the grant, whatever percentage, they haven't worked out what Connecticut's percentage would be, but it is a percentage of \$20 million that is a grant. So if we can make this happen, not only do we get that money, but there will be people alive next year who would in another situation be dead. And that's what's important.

REP. FOX: Are there questions for Mr. Church?

Thanks. Thanks again.

WILLIAM CHURCH: Thank you.

REP. FOX: Katherine Jones.

KATHERINE JONES: Good afternoon. Thank you to the Committee. My name is Katherine Jones, I'm a Family Violence Victim Advocate at Danbury Superior Court. I'm here to comment on Raised Bill Number 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEX ASSAULT. My testimony specifically addressed section 17 of the bill which requires courts provide dedicated space to domestic violence victims and their advocates.

As a family violence victim advocate, I work to protect the rights of domestic violence victims and sex assault victims in Danbury Superior Court. At any given time, we have approximately 400 open cases. Our clients are often in crisis, in hiding, and in fear of their abusers. They seek our assistance in gaining protective and restraining orders, resources for themselves and their families, understanding of their rights and the ability to have input into their cases.

However, we have no space in court in which to provide these services, no office, no desk, no computer. This has compromised our ability to ensure victim's safety. Victims in crisis, sometimes only hours after they have been assaulted, wander the courthouse in attempts to locate an advocate.

In one case, the victim with fresh injuries to her face wandered the courthouse from office to office looking for an advocate before she gave up in frustration.

And when we do connect with clients in person, we often are forced to counsel them in hallways, stairwells, and waiting areas where there is no confidentiality and where their batterers can harass them. And even though we work with some of the most dangerous cases at court, we counsel our clients in an unsecure area with no panic button. It should be noted that all judicial offices have panic buttons available to them.

On many occasions inside the courthouse, we and our clients have been harassed, followed, threatened, and intimidated. It's difficult to say to victims that the court will do everything to protect them when they cannot feel safe inside the courthouse. One of the

most important safety planning tools for any victim is access to accurate information, information about the defendant's bond, incarceration, status, protective order, the charges, whether the defendant is receiving treatment in a program.

As FVVAs, it's our duty to provide this information so victims can safety plan. But without access to a computer, a fax, or reliable landline phone, we are hindered from doing the job we are obligated by statute to do. We cannot access the protective order registry, the Department of Corrections or Judicial websites, to (inaudible) and victim notification program, or any of the many online resources needed for victims and their families.

This lack of support for the FVVA program sends the message to domestic violence victims that their cases are not prioritized by Judicial. The reality is is that there is space at court. At Danbury Superior Court, several offices sit empty because they're either used for storage or held for retired judges. That's why section 17 of R.B. 6702 is so important. It will ensure courts allocate a safe place for domestic violence victims and provide their advocates the resources they need to ensure their safety.

REP. FOX: Thank you.

Are there questions?

Rosa, or Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chair, Representative Fox. Thank you for your testimony. I actually just a quick inquiry, have you ever been denied an area in the Danbury Court to meet with your

clients when -- upon request?

KATHERINE JONES: We are subject to access to conference rooms the same way the public are. And so if all of them are full, then because other attorneys were present, because it was a busy day, yes, we will have to search for empty space.

But we don't really have priority to any space at any given time. One of the clerks has allowed us to have a key sometimes to a conference room, so if we manage to get one, we can lock it and hold it so that we have even simply a safe place for someone to sit, but it isn't guaranteed.

REP. REBIMBAS: Thank you for your testimony.

REP. FOX: Thank you.

Andrea Mancuso. Hello.

ANDREA MANCUSO: Hello. Good afternoon. My name is Andrea Mancuso, I'm an Attorney with the Domestic Violence Crisis Center in Stamford and Norwalk. Thank you, Chairman Fox, and members of the Committee for the opportunity to speak to you today in support of AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT, Raised Bill 6702. I'd particularly like to address the Committee on section one of the bill.

DVCC has submitted written testimony which outlines why creating these economic protections for victims in restraining orders is such an essential modification of current law if we're looking to advance victim safety. As an attorney with DVCC, I work with victims every day on safety planning and then providing legal assistance and in-court representation to those victims who have made the decision to go

forward with a restraining order.

Based on my experience, I would estimate that for every victim who makes a decision to go forward, there are two out there who are too afraid because of the financial retaliation that they know they're going to experience. Over 98 percent of all abusive relationships involve economic abuse.

Whether it's as simple as having the abuser have ownership over all of the accounts and assets or something as insidious as them affirmatively trying to destroy the credit of the victim so that they can't later on establish financial independence.

Restraining orders are meant to help victims create their safety net. And a truly viable safety net must ensure economic survival. If you can't afford to feed your children, you're going to rapidly lose your resolve to change your circumstances, and that's the reality that a domestic violence victim lives with. It explains why the overwhelming national trend has been to write these economic protections into state's restraining order processes.

I would encourage you to review the letter in your packet from Mary White. Mary couldn't be here today, but she is a victim that we've been working with for the last two years. She has a four-year-old daughter, Kate, and had her parents not been financially sound enough to provide for Mary and Kate in the first six months between when she left her abuser and when her interim family court support orders were granted, they would still be living in a household with a man that hurt them.

The economic protections outlined in section one would make the difference for the countless

women who are not as fortunate as Mary in having parents that can financially pay the bills until they're able to get those long-term orders. This section would ensure that victims of domestic violence have the same protections here in Connecticut that they can find in more than 37 other states around the country, protections which are essential to enable them to safely and successfully extricate themselves from abuse relationships. Thank you again for the opportunity to speak before you, and I would welcome any questions.

REP. FOX: Thank you, Andrea.

Questions?

I have a question. Would these orders be entered at the time the protective order or restraining order is entered?

ANDREA MANCUSO: So we're only contemplating that they would apply to restraining orders, not protective orders in the criminal court. That would be too burdensome for the criminal court to handle. And it would also be anticipated that they would not be part of the ex parte order, that a court would only issue them at the 14-day hearing.

REP. FOX: And would the application for the order have to reflect something that says you intend to seek financial orders, do you think?

ANDREA MANCUSO: I think that would be appropriate for the victim to indicate there that economic orders are being requested at the hearing stage.

REP. FOX: And I assume then, just trying to think this through, parties would provide financial affidavits indicating what expenses are being

paid or something along the lines of a support order in a family case?

ANDREA MANCUSO: I -- working with victims, I don't see really any problem with a victim putting together a financial affidavit for a judge to review at the hearing stage.

REP. FOX: Well, I'm just thinking you'd have to determine how much somehow or you have to determine what's going to get paid. And, you know, some sort of a divorce case where there's a support order, you'd have to -- probably the easiest way to do it is to use the system that's already established which is the financial affidavit (inaudible) for me, I guess.

ANDREA MANCUSO: I think a financial affidavit --

REP. FOX: I'll stop.

ANDREA MANCUSO: A financial affidavit makes sense, and I think the -- these protections are important enough to victims that you would find that victims would be willing to fill out the financial affidavit to submit to the -- to the court at the time of their hearing in the hopes that a judge would be willing to grant them --

REP. FOX: I mean and also the respondent would need an opportunity to say, well, that's not what I'm -- what we're paying currently, this is what we're paying currently and --

ANDREA MANCUSO: And he would have an opportunity to do that at the hearing.

REP. FOX: Yeah. Okay. And I have another question for you, something that's on this bill -- it's in this bill. It's not what you testified on, but I would be interested to know if you have

any thoughts given that I know I turn to you in Stamford a lot for questions on these, so I'm sure -- I know you also know about a number of other states and how they handle domestic violence laws, but there's a section in the bill regarding when protective orders are entered.

And the order says you need to get rid of any guns or ammunition and you have to do so within 48 hours whether it's -- you have to turn it in to either law enforcement or to somebody who is authorized. And my question is, as somebody who is in the courts when those orders are entered a lot, do you ever have a concern -- I'm sure -- I don't want to put it on you, but to me there would be a concern that you're taking an individual when they're at their most -- when they're probably thinking less clearly than they ever would.

They may have spent the night in jail, they may have been embarrassed, they might have gone through a number of different things, and you're ordering them to go gather up everything they own in terms of ammunition and firearms and get rid of it, and I just -- there's a provision in this bill that says law enforcement would have to accompany you while you -- while you do that. And I don't know if you have any thoughts of that, if you've ever seen anything where there's been concerns about that, in your experience.

ANDREA MANCUSO: I think there are definite concerns about it that you've articulated very well. You have a very volatile situation, and then you're asking the offender to go home and get his guns and bring them to the police department, giving him an opportunity to be just kind of sitting there in possession of his guns thinking about how the world has done him

wrong and how the victim has done him wrong. Whether or not sort of mandating police -- I don't know how it would work in operation, mandating that police accompany an offender back to the house to get firearms.

I think we should also take a look at the 48-hour time period and perhaps shortening that would have a similar impact. The -- in our experience, the officers, at the Stamford and Norwalk police departments, do a really nice job asking offenders at the scene when they make an arrest, do you have any weapons? And those police departments are taking the weapons right there. We've also seen weapon retrieval being done hand-in-hand with -- the offender may return one time with police to collect his belongings.

The police are quite frequently going back to the home after an incident so that an offender can pick up things like his toothbrush and clothes and -- I know the police officers earlier spoke to an additional burden on law enforcement to do that, but I think the reality is in most situation where an offender is being removed from the home, they're already going back there. So I think it makes a lot of sense, the provision that's in the bill.

REP. FOX: Okay. I mean also I think for the -- the individual themselves, I mean at the time when they're probably at their lowest and it's probably not a great idea for them to be under court order to go get all their weapons.

ANDREA MANCUSO: That's an excellent point.

REP. FOX: Any questions or comments?

Thanks, Andrea.

ANDREA MANCUSO: Thank you.

REP. FOX: Daniella Giordano.

DANIELA GIORDANO: Good afternoon, Representative Fox, and distinguished members of the Judiciary Committee who are very much -- are just as patient as we are in the public. My name is Daniela Giordano, and I'm the Public Policy Director for Adults, State and National Matters at the National Alliance on Mental Illness here in Connecticut.

We represent individuals who actually live with mental illness and also the family members who have individuals with mental illness in their families. I'm here today on behalf of NAMI Connecticut to support H.B. 6684, AN ACT CONCERNING THE ESTABLISHMENT OF AN INTAKE, REFERRAL AND INTERVENTION SYSTEM RELATING TO THE PROVISION AND DELIVERY OF MENTAL HEALTH SERVICES.

We do, first of all, want to thank you for bringing up this bill for hearing before your Committee. Connecticut, as you have heard earlier also, is a considered a national leader regarding its public mental health system, a place where treatment services and supports for people dealing with mental health challenges are person-centered are recovery oriented.

The recovery model views a person as a holistic being who wants and needs interconnecting pieces to be in place including stable housing, meaningful activities, including work and volunteer opportunities, communities to which they belong and can contribute.

However, this does not mean that there isn't room for improvement. We can further

were several people here who had signed up to testify and who weren't able to stay up until this point whose testimony is available online for you who are also in support of this bill.

REP. FOX: Thank you. Thank you very much.

Are there questions.

Thanks for sticking around to testify.

DANIELA GIORDANO: Thank you very much.

REP. FOX: William Ramirez.

Melanie Smith.

MELANIE SMITH: Good afternoon, Representative Fox, and distinguished members of the Committee. My name is Melanie Smith, and I'm a Master's degree candidate at the University of Connecticut, School of Social Work. I am here today to testify -- to testify in support of Raised House Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT. I would like to provide my testimony today specifically regarding section one, the addition of economic protections as part of the civil restraining order process.

As a social work student concentrating in the area of policy, I have focused my studies on issues related to women and children. Domestic violence is an issue that I have personal and professional experience with as I am a survivor of teen dating violence and have worked with domestic violence offenders, victims, and children exposed to domestic violence for over the past five years. Currently, I am a domestic violence consultant for the Department of Children and Families in Hartford, and I am an intern at the Connecticut Coalition Against

Domestic Violence.

Without financial protections being part of a restraining order, victims are vulnerable to further manipulations by an offender. In my position at DCF, I have interviewed a mother who described her experience with the implications of obtaining a restraining order under Connecticut's current statute. This mother was granted a restraining order whereby the offender was ordered out of the home, but he was the only source of income for the family. And presenting as an act of kindness, he was nice enough to continue to help support her financially. However, in order to get the money, he forced her to meet him in person on a weekly basis allowing him to gain access to her and preventing her from calling the police to report a violation of the restraining order.

He was able to continue to control her and manipulate the situation to his advantage by constantly reminding her that he was doing this out of the goodness of his heart and proving that he still loves and cares for her despite the fact that she forced him out of the home. When he was abusive to her during these weekly meetings, he would remind her that he would stop giving her money if she reported him to the police. By providing temporary but immediate relief to victims through Connecticut's civil restraining order process, victims will have access to resources that can help them -- help keep them safe and keep them away from their abuser.

I would like to acknowledge that Connecticut has done a lot of hard work over the past few years to strengthen our laws to help protect victims of domestic violence and hold offenders accountable. I urge you to continue these efforts. Thank you for this opportunity to

testify in support of House Bill 6702. I'm available to answer any questions and I also have submitted my testimony in writing.

REP. FOX: Thank you.

Are there any questions?

Well, we appreciate you sticking around today.

MELANIE SMITH: Thank you.

REP. FOX: Is Rita Bailey here?

RITA BAILEY: Good afternoon, Representative Fox, and Judiciary Committee. Thank you for the opportunity to speak. My name is Rita Bailey, I am Co-Chairman of the Darien Domestic Abuse Partnership, and I'm also a Medical Advocate with the Domestic Violence Crisis Center where I advocate to victims resources that the DVCC has. I am here to support the proposal in Raised Bill Number 6702, section one, which would allow victims of domestic violence seeking restraining orders to ensure their economic survival as part of that process.

While not commonly understood, economic abuse is a tactic frequently used by abusers to ensure the dependency of the victim. In fact, 98 percent of all abusive relationships involve some form of financial abuse. Tragically, access to economic resources is the best predictor of whether or not a victim will be able to successfully and permanently separate from their abuser. Without proper economic protection, victims are confronted with the agonizing choice of staying in an abusive relationship or leaving and facing extreme poverty, reliance on state assistance, and/or homelessness.

The proposal outlined in Raised Bill Number 6702, which would allow victims of domestic violence to obtain time-limited financial orders as part of the restraining order process. It would provide immediate financial protection that would mean the difference between staying or leaving. Recognizing the monumental impact economic protections have on a victim's ability to keep themselves and their children safe is imperative. More than 37 other states across the country have outlined protections in their restraining order laws.

Well-respected national institutions like the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project have recognized the importance of such protections. The proposal as outlined in Raised Bill Number 6702 will bring Connecticut in line with the overwhelming national trend and provide critical protections for the victims of domestic violence attempting to remove themselves and their children from a dangerous situation. For these reasons, I urge you to support the language as currently drafted in the Raised Bill. Thank you for the opportunity to speak.

REP. FOX: Thank you. And thanks for being here in Hartford today.

Any questions?

Thanks.

RITA BAILEY: Thank you.

REP. FOX: Anna Doroghazi. Hello, Anna.

ANNA DOROGHAZI: Hello. Good afternoon, Representative Fox, Senator Kissel, Representative Rebimbas, remaining members of

HB 6702 HB 6696
HB 6643
SB 1158

the Committee. My name is Anna Doroghazi, and I'm the Director of Public Policy and Communication at Connecticut Sexual Assault Crisis Services. CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which during the past year provided counseling and advocacy to nearly 7,000 victims and survivors of sexual violence.

We submitted written testimony on four bills today, House Bill 6643, AN ACT CONCERNING THE FAILURE OF A WITNESS TO REPORT A SERIOUS CRIME; House Bill 6696, AN ACT CONCERNING ENHANCED STATE EFFORTS TO PREVENT HUMAN TRAFFICKING; House Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT, and Senate Bill 1158, AN ACT CONCERNING VICTIMS OF SEXUAL EXPLOITATION AND HUMAN TRAFFICKING. In the interest of time, I'm going to focus my comments just on section five of House Bill 6702, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT, but I'd be happy to answer any questions on any of the bills in our written testimony.

Section five of House Bill 6702 would allow adult survivors of sexual violence or the parents and guardians of child sexual abuse survivors to terminate a rental agreement without penalty or liability for the remaining term of the lease. This is a sensible expansion of existing statute that would greatly benefit sexual assault victims. For some survivors of sexual violence, victimization does not end with the assault itself. Perpetrators may know where their victims live and check up on them by driving by or making their presence known.

Parents have to deal with the terror of knowing that their child was abused by a neighbor who

remains in close proximity and could easily access the child again. Victims who live in the same building as their offender dread the daily possibility of an encounter. And victims who were assaulted in a hallway, laundry room, or parking garage must continue to use these facilities.

Many of these victims would be interested in moving, but they often cannot afford to pay the penalties associated with breaking a lease. One woman who sought services from one of our sexual assault crisis services programs exemplifies the need for this legislation. Her young daughter was sexually assaulted by a man who lived in the neighborhood. And although the assault was reported to the police and he was subsequently arrested, he was then let out on bail and subsequently broke into the victim's apartment.

The mother was desperate to move, but found herself unable to get out of her lease. She was so fearful for her family's safety that she ended up leaving all of their belongings in that apartment in Connecticut and fled to a shelter in another state. Victims of violence deserve better and should not have to choose between safety and financial security.

Connecticut already recognized this through the passage of Public Act 10-137 which allows survivors of domestic violence to break a lease. This law extends to sexual assault survivors who were assaulted by a family or household member, but it does not apply to the approximately 60 percent of survivors whose offenders are neighbors, acquaintances, friends, colleagues, or others who fall outside of that family or household member designation.

House Bill 6702 acknowledges the possibility

that these survivors could also live in fear of continued harm and might benefit from the ability to break a lease. By expanding existing rental protections to all instead of just some sexual assault victims, 6702 will allow Connecticut to join a growing list of states that recognize the importance of allowing survivors to make decisions about where to live without having to weigh safety against financial considerations. Thank you.

REP. FOX: Thank you, Anna.

Are there any questions or comments?

Thanks a lot.

ANNA DOROGHAZI: Thanks.

REP. FOX: I don't see Jim Amen. His panel came up? Okay.

Barry Horowitz.

BARRY HOROWITZ: Good afternoon, Representative Fox and remaining Committee members. My name is Attorney Barry Horiwitz, and I'm a member of the Connecticut Association of Estate Planning and Probate Section of the Bar, and a founding member of the Hartford law firm of Nirenstein, Horowitz, and Associates, a law firm that does exclusively estate planning law. I'm before you today to express my concerns and opposition to the Uniform Real Property Transfer on Death Act which is the second part of Raised Bill Number 1162.

The act is an attempt to provide a simplified national procedure to transfer real estate upon death without probate by allowing a deed to be prepared with a death beneficiary instead of a transfer by will. This informal procedure is

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 14
4478 - 4765**

2013

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Testimony of
 The Permanent Commission on the Status of Women
 Before the Judiciary Committee
 April 15, 2013

Re: **S.B. 1158, AAC Victims of Sexual Exploitation and Human Trafficking**
H.B. 6683, AAC the Abatement of a Public Nuisance
H.B. 6696, AAC Enhanced State Efforts to Prevent Human Trafficking
H.B. 6702, AAC Domestic Violence and Sexual Assault

Senators Coleman and Kissel, Representatives Fox and Rebinbas, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) regarding several bills before you today.

S.B. 1158, AAC Victims of Sexual Exploitation and Human Trafficking
H.B. 6683, AAC the Abatement of a Public Nuisance
H.B. 6696, AAC Enhanced State Efforts to Prevent Human Trafficking

Impact on CT Women¹

- Between 2008 to 2011, 100 human trafficking victims were identified by State agencies. Of the 100 victims, 82 were children.
- Between 2009-2010, 109 human trafficking victims were identified by non-governmental entities.
- 100% of the above victims were female.

Since 2004, PCSW has convened the Trafficking in Persons Council (Council) to study the issue of human trafficking and make recommendations to the state Legislature. The Council has made recommendations that resulted in the establishment of criminal penalties and civil remedies, victim-friendly curriculum for training of providers, state agencies, and law enforcement, and, funding for housing and public awareness and education.

¹ PCSW, *Trafficking in Persons Council Annual Reports 2008-2011*, Department of Children and Families, *Welcome to DCIF's Response to Human Trafficking and Sexually Exploited Children and Youth*, August, 2011, Paul and Lisa Program, International Institute of Connecticut, Inc.

PCSW Testimony
 Before the Judiciary Committee
 April 15, 2013
 Page 2 of 2

PCSW urges passage of three bills before you today - S.B. 1158, H.B. 6683, H B 6696 – which will assist in combating human trafficking by limiting a traffickers ability to profit from criminal activity, and raise public awareness and education. Specifically, the bills would

- Increase criminal penalties for persons patronizing a prostitute under the age of 18 (H.B. 6696),
- Allow the Superior Court to vacate criminal convictions for prostitution involving victims of human trafficking (H B 6696),
- Require the forfeiture of criminal assets derived from commercial sexual exploitation of a minor (S B. 1158),
- Increasing a town's ability to shut down business that trade in humans, i.e. prostitution and massage parlors, by including the issuance of three citations as grounds to bring a public nuisance action (H.B. 6683), and;
- Require bilingual public awareness and education about services for human trafficking victims (S B. 1158).

H.B. 6702, AAC Domestic Violence and Sexual Assault

Impact on CT Women

- Twenty-six percent of Connecticut women and 10% of Connecticut men are sexual assault survivors²
- 40.8% of rape survivors were raped by an acquaintance, 13.8% by a stranger, and 2.5% by a person in authority³
- Of those victimized by an intimate partner, 85% are women and 15% are men. In other words, women are 5 to 8 times more likely than men to be victimized by an intimate partner.⁴

PCSW urges passage of H B 6702 which would provide additional protections for victims of domestic violence and sexual assault by enhancing restraining order protocol and allowing victims of sexual assault to terminate rental agreements.

We look forward to working with you to address these important issues. Thank you for your consideration.

² Connecticut Sexual Assault Crisis Services (CONNSACS) *Sexual Assault in Connecticut Fact Sheet*

³ Connecticut Sexual Assault Crisis Services (CONNSACS)

⁴ Lawrence A. Greenfield et al. (1998) *Violence by Intimates: Analysis of Data on Crimes by Current or Former Spouses, Boyfriends, and Girlfriends*. Bureau of Justice Statistics Factbook, Washington DC: U.S. Department of Justice. NCJ #167237



Connecticut Sexual Assault Crisis Services, Inc.

96 Pitkin Street · East Hartford, CT 06108 · Phone: 860-282-9881 · Fax: 860-291-9335 · www.connsacs.org

Testimony of Connecticut Sexual Assault Crisis Services regarding:

HB 6643, AAC the Failure of a Witness to Report a Serious Crime (Concerns)

HB 6696, AAC Enhanced State Efforts to Prevent Human Trafficking (Support)

SB 1158, AAC Victims of Sexual Exploitation and Human Trafficking (Support)

HB 6702, AAC Domestic Violence and Sexual Assault (Section 5 - Support)

Anna Doroghazi, Director of Public Policy and Communication
Judiciary Committee Public Hearing, Monday, April 13, 2013

Senator Coleman, Representative Fox, and members of the Judiciary Committee: my name is Anna Doroghazi, and I am the Director of Public Policy and Communication for Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs, which provide sexual assault counseling and victim advocacy to men, women, and children of all ages. During our last fiscal year, advocates throughout the state provided hospital and court accompaniment, support groups, individual counseling, 24/7 hotline support, and post-conviction services to nearly 7,000 victims and survivors of sexual violence. We would like to offer comments on four bills before the committee today.

HB 6643, AAC the Failure of a Witness to Report a Serious Crime (Concerns)

CONNSACS appreciates the intent of this legislation and believes that it is important for people to take action when they witness another person being seriously injured. We are concerned, however, that this bill could unintentionally harm victims of child sexual abuse and their families.

Child sexual abuse is a uniquely terrible crime. Perpetrators often gain access to their victims through an extensive, on-going grooming process that may involve both victims and victims' families. Abusers work hard to gain trust, make themselves valuable, and manipulate their victims. These abusers sometimes put themselves in a position where they are able to impact a family's finances, living situation, medical care, or employment. All adults have a duty to intervene when a child is being hurt, but it is important to understand that offenders sometimes take deliberate steps to make disclosure and intervention difficult. In these circumstances, it may be hard to ascertain what constitutes a "reasonably practicable" timeframe for reporting.

HB 6643 establishes an affirmative defense in cases in which reporting the crime would expose the defendant or another person to "substantial risk of physical injury," but it does not take into account the other forms of injury that a witness could experience. It also does not offer any flexibility in incest cases in which families must first come to terms with a relative-abuser and then assess the impact of this information. CONNSACS has heard from parents, for example, who waited to report their child's victimization because they wanted to prepare themselves and their families for the repercussions of disclosure. For parents who were themselves abused as

children, discovering that their child was similarly harmed can be an incredibly traumatic experience – this is especially true in cases of intergenerational incest. These survivors should not be punished if their own trauma prevents them from acting immediately.

Finally, for a family that is trying to cope with the sexual abuse with a child, charging one or both parents with failure to report a crime could cause further instability and more harm to the child. The bill could be improved by adding measures to consider whether charging parents or other caregivers with failure to report a crime is in the best interest of the child.

HB 6696, AAC Enhanced State Efforts to Prevent Human Trafficking (Support)

Human trafficking is a multi-billion dollar global industry that subjects victims to sexual contact and forced labor. CONNSACS supports all sections of HB 6696, which would make it easier to hold traffickers accountable for their actions, increase penalties for johns who buy sex from someone under the age of 18 or someone who is known to be a victim of human trafficking, vacate prostitution convictions involving victims of human trafficking, and establish a task force to study the implementation of initiatives designed to curb human trafficking.

We would like to comment specifically on Section 1 of the HB 6696, which would make Connecticut's statutory definition of trafficking in persons read more like the federal definition set forth in the Victims of Trafficking and Violence Protection Act of 2000. This federal definition applies to sexual acts and labor that are induced by or attained through the use of force, fraud, or coercion. Connecticut's current statutory definition of trafficking (Sec. 53a-192a) does not explicitly address the use of force or fraud. We also understand that current statutory language is problematic because an individual must *commit* coercion in order to be guilty of trafficking in persons – this language adds a barrier to prosecution and makes it difficult to prosecute trafficking under the existing statute.

Similarly, CONNSACS supports SB 1158, AAC Victims of Sexual Exploitation and Human Trafficking. This legislation would create financial disincentives for engaging in the commercial sexual exploitation of a minor, and it would help trafficking victims reach out for help by advertising resources in truck stops. The constant influx of potential clients and the easy access to escape routes make truck stops a popular location for sex trafficking. Making information about trafficking and victim resources available in these locations is helpful because it both provides a possible lifeline for victims and reminds other travelers to be on the lookout for possible criminal activity.

HB 6702, AAC Domestic Violence and Sexual Assault (Section 5 - Support)

Section 5 of HB 6702 would expand existing statute to allow survivors of sexual violence or the parents/guardians of child victims to terminate a rental agreement without penalty or liability for the remaining term of the rental agreement. For some survivors of sexual violence, victimization does not end with the assault itself. Advocates from CONNSACS' nine community-based sexual assault crisis services programs have worked with clients who feel unsafe in their homes after an assault because a perpetrator knows where they live and "checks up" on them by driving by or making their presence known. Parents have shared the terror of discovering that their child was abused by a neighbor and the feelings of panic that come from knowing the perpetrator is still right next door. Victims who live in the same building as their offender dread the daily

possibility of an encounter, and victims who are assaulted by unknown offenders may feel unsafe remaining on the property where their assault occurred

Some sexual assault victims would greatly benefit from the ability to move to a new rental property, but many are financially unable to do so if they must lose money by breaking a lease. Survivors who face imminent harm following an assault should not have to choose between staying safe or paying their bills. HB 6702 would lessen the financial burden on victims who want to move while still protecting the rights of landlords.

In 2010, the Connecticut General Assembly granted tenants the ability to terminate rental agreements if they fear imminent harm due to family violence (PA 10-137). This provision includes sexual assault survivors as long as they are assaulted by a "family or household member" as defined in Section 46b-38a. According to a recent national survey conducted by the Centers for Disease Control and Prevention, approximately 42% of sexual assault survivors are assaulted by someone who would meet Connecticut's statutory definition of "family or household member." The other 58% of survivors, however, are currently unable to access this form of relief. HB 6702 acknowledges the possibility that any sexual assault survivor could live in fear of continued harm and might benefit from the ability to break a lease.

In recent years, several other states, including Texas, Michigan, Washington, California, Oregon, and Illinois, have passed laws that make sexual assault survivors eligible for penalty-free lease termination. Closer to home, "An Act Relative to Housing Rights for Victims of Domestic Violence, Rape, Sexual Assault, and Stalking" was signed into law in Massachusetts in January of this year. HB 6702 is a sensible expansion of existing statute, and it would greatly benefit survivors of sexual violence who remain at risk following an assault. CONNSACS strongly supports this legislation and respectfully requests its passage.

Thank you for your time and consideration of these issues.

Anna Doroghazi
anna@connsacs.org

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LINE 12

Testimony of Paola Serrecchia on behalf of William Ramirez submitted to the Judiciary committee in favor of bill 6702.
AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

Thank you Senator Coleman and Representative Fox and members of the Judiciary Committee. I am here today in favor of bill 6702 AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

My name is Paola Serrecchia and I was working as a care coordinator at Clifford Beers Guidance Clinic when William's family was referred to me. William, his four siblings and his mother were suffering the effects of trauma inflicted by the domestic violence perpetrated on them by their father/stepfather. He had access to multiple weapons and had repeatedly threatened to shoot and kill William's mother

The children were at risk of being removed from the home and institutionalized by DCF. I was able to access wrap around services and build a team that put in place a care plan that included transportation, childcare, special education for the children, safe and affordable housing, domestic violence counseling, individual therapy for the children and other intervention programs.

The perpetrator was incarcerated and a protective order was put in place. The family was able to move into a safe home where the children could play in their backyard and healing began. Wrap around flex funding paid for the mother to obtain her GED and take a certification program in forensic science. She got a job working at the Hartford Police Department and started making plans to go to college.

Within one year, William's mother contacted me in desperation and agony. She had heard on the street and from the perpetrator's family that he was "coming out" and he is coming to "get you". He was not required to turn in his weapons when the protective order was mandated

We contacted the court victim advocate to find out why the family was not informed that their abuser was going to be released. She had not informed us, because she was not aware of the pending release. She was able to confirm the story was correct

After ten years of living in Connecticut, the family had to abruptly uproot themselves within one week to flee to Puerto Rico to live. The family was then broken up and the children were sent to live with different family members in Puerto Rico and across the United States. We attempted our best to coordinate services across states, but were unable to put in place all the services that the children and their mother needed.

Two years later the family was not doing well. The mother had used the care coordination model and her acquired advocacy skills that she learned being part of our No More Crumbs coalition to access services for her family but, they were not able to get the trauma informed care they needed and they desperately wanted to be together.

The perpetrator had moved out of state and she wanted to move back to Connecticut. I am still at Clifford Beers but now have responsibilities as a family advocate. The family is working hard to move on with their lives. Please pass bill 6702 so that other families do not have to go through what William's family went through. If passed, the perpetrator would have to have given up his weapons when the protective order was mandated and the parole officer would have had to inform the court victim advocate which would have given us more time to put a plan in place.

Please don't let this happen to another family. Thank you for your time.

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LINE 9

Written Testimony

In Support of HB 6702, AAC Domestic Violence & Sexual Assault

Melanie Smith, MSW Candidate, UConn School of Social Work
Judiciary Committee
April 15, 2013

Senator Coleman, Representative Fox, and distinguished members of the Committee

My name is Melanie Smith and I am a Master's degree candidate at the University of Connecticut, School of Social Work. I am here today to testify in support of raised H B 6702, specifically regarding the addition of economic protections as part of civil restraining orders (RO)

As a social work student concentrating in the area of policy, I have focused my studies on issues related to women and children. Domestic violence (DV) is an issue that I have personal and professional experience with, I am a survivor of teen dating violence and I have worked with DV offenders, victims, and children exposed to DV for the past five years. Currently, I am a Domestic Violence Consultant for the Department of Children and Families (DCF) in Hartford and I am an intern at the Connecticut Coalition Against Domestic Violence (CCADV)

Without financial protections being part of a RO, victims are vulnerable to further manipulations by an offender. In my position at DCF, I interviewed a mother who described her experience with the implications of obtaining a RO under Connecticut's current RO statute (CT General Statute 46b-15). This mother was granted a RO; whereby, the offender was ordered out of the home. He was the only source of income for the family, and presenting as an act of kindness, he was *nice enough* to continue to help support her financially. However, in order to get the money, he forced her to meet him in person on a weekly basis, allowing him to gain access to her and preventing her from calling the police to report a violation of the RO. He was able to continue to control her and manipulate the situation to his advantage, by constantly reminding her that he 'was doing this out of the *goodness of his heart*, and *proving that he still loves and cares for her*, despite the fact that *she forced him* out of the home'. When he was abusive to her during these weekly meetings, he would remind her that he would stop giving her money if she reported him to the police.

By providing temporary but immediate relief to victims through Connecticut's civil RO process, victims will have access to resources that can help keep them safe and keep them away from their abuser.¹

OVER

Research on the principles of *Exchange Theory* in relation to DV found that, *the decision to return to an abusive relationship is guided by a rewards-cost ratio, whereby rewards inside the relationship are perceived to be higher than costs outside the relationship.*² Oftentimes, the risk of losing financial supports is far greater and detrimental to the victim and her children than the benefits of a RO. Knowing that economic protections can be included in a civil RO, may be the deciding factor and motivator for a woman to pursue a RO. It won't change the feelings of fear or anxiety around the process, but it could make the process worth it.

Offenders choose to use abusive and controlling behaviors, and should be held accountable for their actions. It is time to stop re-victimizing the victim. We, as a society, shouldn't worry about how an offender is going to find another place to stay while still paying rent/mortgage for a home he can no longer go to. Offenders put themselves in that position; victims don't choose to put them there. The more protections we can provide to victims, the more likely they will be to access services, and the more likely they will be to become survivors.

I would like to acknowledge that Connecticut has done a lot of hard work over the past few years to strengthen our laws to help protect victims of DV and hold offenders accountable. I urge you to continue these efforts. Thank you for this opportunity to testify in support of H.B. 6702. Please feel free to contact me with any questions.

Sincerely,



Melanie Smith
MSW Candidate
UConn School of Social Work
860.916.3163
Melaniemarie.smith@gmail.com

¹ Connecticut Coalition Against Domestic Violence Policy Brief (2013, March). Financial abuse: Securing economic protections for victims of domestic violence. Retrieved April 9, 2013 from <http://www.ctcadv.org>

² Roberts, C.J., Wolfer, L., & Mele, M (2008, February 20). Why victims of intimate partner violence withdraw protection orders. *Journal of Family Violence*, 23: 369-375. doi:10.1007/s10896-008-9161-z



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LINE 3

Date: April 15, 2013
 To: Senator Coleman, Representative Fox, and members of the Joint Committee on Judiciary
 From: Andrea Mancuso, Esq.
 Domestic Violence Crisis Center

Re. **Support for Raised Bill No. 6702 (AAC Domestic Violence & Sexual Assault), Sec. 1:
 Economic Protections for Victims of Domestic Violence in Restraining Orders**

The Domestic Violence Crisis Center (DVCC) urges you to support the proposal outlined in Section 1 of Raised Bill No. 6702, which would provide economic protections for victims of domestic violence in Restraining Order proceedings. DVCC is the sole services provider for victims of domestic violence in the seven towns of Stamford, Norwalk, Darien, New Canaan, Weston, Wilton, and Westport. Our staff works with over 3,400 victims of domestic violence each year. We have two attorneys on our staff who practice within the Family Court, providing advice, assistance and representation to victims seeking to obtain restraining orders. The economic protections proposed in Section 1 would have a substantially positive impact on our ability to help victims safely and successfully navigate leaving abusive relationships.

Our experience working with victims has demonstrated time and again that economic survival is critical to the ability to safely extricate a victim and her children from an abusive relationship. In fact, independent studies have shown that access to economic resources is the best predictor of whether or not a victim will permanently separate from her abuser. Under current Connecticut law, many victims find themselves forced to make a choice between staying in an abusive relationship or leaving and facing extreme poverty and homelessness. DVCC works with victims every day who, given no other considerations, would go forward with filing for an order which removes the abuser from the home and restricts all contact in an effort to secure their physical safety. However, 98% of all abusive relationships involve financial abuse, and victims understand quite clearly the harsh reality that one of the most commonly used retaliation tactics is for the abuser to cause financial distress. As a result, victims are staying in abusive relationships when they would otherwise leave.

Recognizing the pervasive use of economic coercion, at least 37 other states have created similar provisions in their restraining order statutes – allowing a victim to obtain a time limited order of support as part of the restraining order process. Several well respected national bodies support this type of law, including the Battered Women's Justice Project and the National Council of Juvenile and Family Court Judges. This immediate financial protection could mean the difference between staying and leaving for so many victims every year.

The days following a victim's decision to leave are often the most difficult. The victim is contending not only with the emotional trauma of ending the abusive relationship, but also with ensuring she has structured a viable safety net for herself and her children. The goal of a restraining order is to assist a victim in securing that safety net. Safety is undeniably dependent



on economic survival. Referring a victim to another pr process outside of the RO causes unnecessary delay and fails to meet immediate safety needs. Seeking orders of support through the family court often takes weeks if not months, even for *pendente lite* orders, particularly for low income, pro se individuals unfamiliar with navigating the complex family court system.

The ability to obtain economic relief during the restraining order process provides a victim with breathing room to keep her and her children safe while she gets those more long term petitions started. **Connecticut's restraining order process can and should provide this level of protection.**

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106

April 15, 2012

Re: Support for Raised Bill No. 6702, Section 1: Economic/Financial Protections for Victims in Restraining Orders (46b-15)

Dear Senator Coleman, Representative Fox, and members of the Judiciary Committee:

My name is Dede Bartlett. I write to express my strong support for the proposed amendment in Raised Bill No. 6702 which would provide economic protections for victims of domestic violence as part of the restraining order proceeding.

Access to economic resources is the greatest predictor of whether or not a victim will permanently separate from her abuser. Because 98% of all abusive relationships include some form of financial abuse, victims are often at the economic mercy of their abusers. Abusers use economic abuse as a tactic to manipulate and control their victim – thinking that if she has no money, no job, and no access to financial resources, she will never be able to leave. For all too many victims, that proves to be true. **By amending C.G.S. § 46b-15 to specifically allow victims of domestic violence to obtain financial orders as part of the restraining order process, you are giving victims and their children the resources they need to be able to safely and successfully remove themselves from an abusive situation.**

According to the American Bar Association, at least 37 other states have created economic protections such as the one proposed in Raised Bill No. 6702 (specifically the ability to obtain child support and/or spousal support orders). The proposed changes would bring Connecticut in line with the overwhelming national trend and provide critical protections for victims.

As noted by prominent organizations such as the Battered Women's Justice Project and the National Council of Juvenile and Family Court Judges, the goal of the restraining order is to secure the safety of the victim. My community has seen time and again that the safety of the victim is inextricably tied to access to financial resources. Immediate financial protection could mean the difference between staying or leaving. CT's restraining order process can and should provide this level of protection.

For those reasons, I urge you to support the language as currently drafted in the raised bill.*

Sincerely,

Dede Bartlett

*Provided that the word "ceasing" is removed from the bill when voted out of committee

YWCA New Britain Sexual Assault Crisis Service
22 Glen Street
New Britain, CT 06051 (860) 225-4681
Testimony of Heide Rivera, Bilingual Advocate for the Sexual Assault Crisis Service

IN SUPPORT OF HB 6702: AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT (Sec 5)

Senator, Representative and members of the Judiciary Committee, my name is Heide Rivera, I am the Bilingual Advocate for the YWCA New Britain Sexual Assault Crisis Service (SACS) SACS provides free and confidential counseling services to victims of sexual assault and their loved ones (children, adults and the Latino community). I have worked at SACS for 7 years and have had the opportunity to work with victims of sexual assault from ages 6 to 72 Each year, I continue to empower this wonderfully diverse population.

As one of the Bilingual Advocates it is important for us to protect the confidentiality of our victims, survivors or loved ones in a situation such as HB 6702. Below is a story of one of my clients and the experience she had with different agencies. Various agencies continued to try and help my client break her lease, but in the end, no one was able to help keep her family safe and she currently lives in a shelter in another state.

I have had the opportunity to work with a mother of three children, all under the age of 15. Her first form of contact with SACS was through the 24 hour Spanish Hotline as she was experiencing an emotional shock, after a traumatic event. Her middle daughter was sexually assaulted by a 24 year old male who lived only a few blocks down from their apartment. This mother did everything she thought a mother needed to do to keep her family safe and help them heal. Her daughter was able to get an evidence collection kit done as well as file a police report The perpetrator was arrested shortly after However, he made bail the following day.

Their lives were now at the hands of the perpetrator. He attempted to break into their apartment almost immediately after his release. During all of this, my client also discovered this perpetrator was arrested in the past for various similar crimes including a case of rape in another Connecticut town. Feeling unsafe and helpless, my client tried to break her lease with Section Eight Housing. However, their policies and procedures required police documentation. My client made the decision to keep that information confidential in order to protect her daughter from any more harm. She tried to navigate within the system as best she could She worked with the Department of Children and Families and a Court Victim Advocate, all who did their best to uphold the confidentiality of her daughter's story while advocating on her behalf. My client continuously felt helpless, unprotected and not understood.

My client needed to do what was in the best interest for her and her family, so she left all her belongings and currently lives in a shelter in another state

As an advocate, I feel we should support our clients who have been sexually assaulted and work together to protect our clients in every way possible during these difficult situations. If we are not allowing victims to

break a lease without penalty, things are only going to get worse for them and their loved ones. It is extremely sad and frustrating that this mom tried to protect her daughter and her family, but was still not able to break her lease or move.

I am in full support of Section 5 of HB 6702 AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT. I hope this helps the Committee see the importance of allowing victims to break a lease more accessible and for the Committee to join us in support of HB 6702. Thank you for your consideration.

Regards,

Heide Rivera
Bilingual Advocate
YWCA New Britain Sexual Assault Crisis Service



CONNECTICUT POLICE CHIEFS ASSOCIATION
1800 Silas Deane Highway-Rear Building, Rocky Hill, Connecticut 06070
(860) 757-3909 Fax: (860) 529-4265
www.cpcanet.org

Testimony to the Joint Committee on Judiciary, April 15, 2013
Chiefs Anthony Salvatore & Matthew Reed, Connecticut Police Chiefs Association

Senator Coleman, Representative Fox and distinguished members of the Committee, The Connecticut Police Chiefs Association is **OPPOSED** to certain language contained within Raised Bill 6702 – An Act Concerning Domestic Violence and Sexual Assault.

Specifically, Section 19 of the proposed bill would require local police officers or state troopers to facilitate the transfer of a firearm from a person who has become disqualified from such possession to a person who is properly qualified for possession.

The proposed bill would require a law enforcement officer to accompany the ineligible person to the transaction where the transfer to an eligible person would take place.

Such a requirement would be overly burdensome on municipal and state police officers and in all likelihood create an unnecessary special relationship between the police and another person. Police officers forced into these situations would essentially become personal security officers for the duration of this transaction.

The law in its current state has required such transfers to take place *without* police involvement for several years without incident. The addition of this new provision is not wise and is likely to have greater legal implications and logistical complications than contemplated by the author.

The Connecticut Police Chiefs Association asks the Committee to strike the new language in lines 590 through 600.

END

February 6, 2013

To Whom It May Concern,

I am writing to support the DVCC in their efforts to ensure that victims of domestic violence in Connecticut have access to economic protections, such as child support or spousal support, when seeking restraining orders for their safety. I have been a victim of domestic violence, and if I had access to such protections, my struggle to safely remove myself and my daughter from an abusive relationship would have been much easier.

In 2007, I married David Weiss. We had a daughter, Kate, the following year. I chose to leave my teaching position to be a full-time mother to care for our child, who was diagnosed with Pervasive Developmental Disorder with delays in speech, attention, and social skills, as well as other health issues. During the time that Kate and I lived with her father, we were subjected to his explosive temper and were targets of his violent acts. David has screamed, grabbed, kicked, punched and choked me, and has thrown heavy objects at both me and Kate. Finally, I realized that staying in this relationship was no longer an option.

In August 2011, I reported my story to the Westport Police, and David was arrested for domestic violence crimes. He has since pleaded guilty to strangulation and reckless endangerment. Following David's arrest, I filed for a restraining order and, subsequently, a divorce. In retaliation for the arrest and the restraining order, David completely cut off Kate and I financially while these legal proceedings were pending.

During the first six months of our separation, my parents supported Kate and me until a financial agreement was entered into in March 2012. I am so thankful for the help and support of my parents because I had absolutely no financial resources to support my daughter. I was unemployed at the time and completely dependent on my husband. I was very fortunate that my parents were in a position to help me bridge the gap. I know that many women in that same position are not so lucky and are forced to return to abusive situations.

Today, I am asking local legislators and the CT Coalition Against Domestic Violence to help mothers and children get out of abusive relationships by allowing them to seek temporary spousal and child support as part of the restraining order to help them survive economically, until they can figure out how to independently support themselves and their children.

Sincerely,

Mary Weiss

Mary Weiss

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LINE 2

Testimony In Support of

HB 6702, AAC Domestic Violence and Sexual Assault

Judiciary Committee

April 15, 2013

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Lower Level
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Member Agencies

Center for Domestic Violence Services
at BHcare
Ansonia, CTThe Center for Women & Families
Bridgewater, CTWomen's Center
Danbury, CTDomestic Violence Program
United Services
Dayville, CTNetwork Against Domestic Abuse
Enfield, CTDomestic Abuse Services
Greenwich YWCA
Greenwich, CTInterval House
Hartford, CTMendham-Wallingford Chrysalis
Mendham, CTNew Horizons
Middletown, CTProvidence Cradle Center
New Britain, CTCenter for Domestic Violence Services
at BHcare
New Haven, CTState Futures
New London, CTDomestic Violence Crisis Center
Newark, CTWomen's Support Services
Sharon, CTDomestic Violence Crisis Center
Stamford, CTSusan B. Anthony Project
Torrington, CTSafe Haven
Waterbury, CTDomestic Violence Program
United Services
Wilimantic, CT

Good morning Senator Coleman, Representative Fox and members of the committee. My name is Liza Andrews and I am the Communications & Public Policy Specialist for CT Coalition Against Domestic Violence (CCADV). We are the state's leading voice for victims of domestic violence and those agencies that serve them. Our 18 member programs provide essential services to victims such as 24-hour crisis response, emergency shelter, safety planning, counseling, support groups, and court advocacy.

We urge your support of House Bill 6702.

Section 1

Section 1 of this bill would add language to the state's civil restraining order statute (§ 46b-15) giving judges the ability to grant financial orders as part of the restraining order process. In addition to existing restraints that a judge may order as part of a restraining order, including ordering the respondent not to restrain the victim, stalk or threaten the victim, enter the family dwelling, etc. It adds the possibility of a judge ordering the respondent to provide temporary financial assistance to the applicant for a period of up to 120 days. This would only be in cases where the respondent has the legal duty to support the applicant and the ability to pay, and if it is necessary for the safety or to maintain the basic needs of the applicant or the respondent's children.

This bill language will also give judges the ability to prevent the respondent from terminating utility service to the family dwelling or dwelling of the applicant provided the respondent and applicant resided together at the time of application. There are also provisions to prevent the respondent from denying access to the applicant's personal property or damaging personal property that the applicant may have a legal or equitable interest in.

According to the American Bar Association, **37 states have incorporated some form of temporary child and spousal support in the restraining order process.** This includes the surrounding states of **Maine, Massachusetts, New Hampshire, New Jersey, and Vermont.**

These additions to our restraining order statute are critical to fully provide for the safety of domestic violence victims and their children. While many people associate domestic violence with physical abuse, it is a pattern of controlling and coercive behavior that can take many forms, including emotional, psychological, physical, sexual, and financial.

According to the National Network to End Domestic Violence, research indicates that financial abuse is experienced in 98% of abusive relationships. The U.S. Department of Justice defines financial or economic abuse as "making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment." The victim is made to be entirely dependent on their abuser with little or no ability to financially care for themselves or their children. They are often faced with the agonizing decision of staying and dealing with the abuse or leaving and facing possible poverty and homelessness.

The immediate days following a victim's decision to leave are often the most difficult for those who have experienced financial abuse. By providing temporary but immediate financial relief through the civil restraining order process, victims will have

access to resources that can help keep them safe and keep them away from their abuser. Furthermore, it will give them the time they need to begin the process of obtaining permanent child and spousal support through the available legal channels

Eliminating what is perceived as the immediate threat of violence is only part of the equation. Ensuring that a victim is given financial protections is as critical a part of providing that person with safety as removing the physically abusive partner from the home. Without this protection, a victim is likely to face the continued threat of violence either as a result of homelessness or because s/he returns to the abuser due to financial constraints

It is our intent for financial orders to be considered only at the restraining order hearing (often referred to as the "two week hearing") and not at the time that a judge may issue a temporary ex-parte order. Also, it is our intent that any violation of the financial order piece of the restraining order would be considered contempt of court and would not be deemed a criminal violation of a restraining order (C G S § 53a-223b)

It is never acceptable to ask victims to choose between their safety and economic survival. Immediate financial protection could mean the difference between staying and leaving. Just as 37 other states do, Connecticut's civil restraining order process can and should provide this level of protection

*Please see the attached Policy Brief for additional information, including what other northeastern states include in their restraining order statutes

Section 2-3

Sections 2 & 3 of the bill make a simple addition to C G S § 53a-32, which requires probation officers, when they suspect that probation has been violated, to notify both the police and the victim of the offense for which the person is on probation, provided the probation officer has been given accurate contact information. This bill will also require that the probation officer contact any victim advocate assigned to assist the victim

Victims of domestic violence often move for safety purposes and, therefore, the probation officer may not have the most up-to-date contact information for the victim. However, victim advocates, including the Family Violence Victim Advocates (FVVAs) that work for CCADV's 18 member programs, will not have address changes and will likely be easier to contact. Victims may continue to be involved with their local domestic violence program which can then contact them in the event of a probation violation. Providing notice to FVVAs will give them the opportunity to work with victims around safety planning and seeking available legal protections

Section 4

Section 4 of the bill will require that the Judicial Branch establish ongoing training programs for Guardians ad Litem (GAL) to inform them about the policies and procedures of the court as they relate to family violence matters

The Connecticut Practice Book requires that any person appointed as a GAL complete a 6 day training course offered through the Judicial Branch. This training is designed by the Judicial Branch with no outside monitoring standards or established outcome measures. An example of one day of the training agenda - day three - requests that participants complete a self-exploration exercise after "reading (*or at least skimming*)" the assigned homework materials. As a result, many people are appointed as GALs who do not have a comprehensive understanding of the dynamics of domestic violence, yet many will inevitably be asked to advocate for children involved in family violence cases

While there are of course many GALs with an extensive understanding of family violence and its impact on victims and their children, there are many who do not have that understanding. Nationally, over fifteen million children are exposed to domestic violence each year. Children who witness intimate partner violence within their family face a greater risk of developing severe and potentially lifelong problems with

physical health, mental health, and school and peer relationships, as well as disruptive behavior. It is absolutely critical that GALs have a thorough understanding of those issues if they are to represent the best interests of the child in family violence cases. Comprehensive and ongoing training is also essential to ensuring that GALs do not engage in victim blaming and can recognize when an abusive parent is attempting to use the child as a tool to continue to control and manipulate the non-abusive parent.

Enhanced training and standards on these and related issues, as well as establishing outcomes measures for the successful completion of the course will result in a stronger GAL system more adequately prepared to advocate for the needs of children involved in family violence situations.

Section 5

Three years ago Connecticut became one of 21 states that have enacted statutes that permit tenants who are victims of domestic violence to terminate residential leases early without penalty. Victims are required to provide at least 30 days notice, make a sworn statement affirming the abuse and provide either a police report, court record or signed statement from an employee of the Office of Victim Services or the Office of the Victim Advocate detailing the act of family violence. This was a critical step in protecting victims of family violence from ongoing abuse by offenders.

Section 5 of this bill will make this protection available to victims of sexual assault. While CCADV does not provide services to victims of sexual assault, we support the efforts of our sister association, CT Sexual Assault Crisis Services (CONNSACS), in securing early lease termination for victims of sexual assault.

Section 6 – 15

Sections 6 - 15 of this bill remove the term "battered women" from statute and replace it with "victim of domestic violence." This includes replacing "battered women's center" with "domestic violence agency" and "battered women's counselor" with "domestic violence counselor." The term "battered women" is outdated and does not accurately reflect the work of CCADV and our member programs with all victims of domestic violence, including male victims. We respectfully request that Connecticut statute be updated to reflect those efforts.

Section 16

Section 7 of this bill will add a third representative of offender and victims' services providers to the Criminal Justice Policy Advisory Commission, which currently consists of 21 members, only 2 of whom represent such community services. We strongly encourage increased representation of community-based victims' services, especially considering that one third of all cases in CT's criminal court are domestic violence-related.

Section 17

Section 17 of the bill will require the Chief Court Administrator to provide in each family court a secure waiting area for victims of family violence crimes and advocates for victims of family crime which is separate from the waiting area of the defendant, the defendant's family, friends, or attorneys, witnesses, and, the state's attorney's office.

This will be similar to victims' rights in other states, including Massachusetts, which provides a locked room within each courthouse that is utilized exclusively for victims, witnesses and family members that allows them to be free from intimidation, threats and other interference from defendant's or friends and family of the defendant.

Eleven (11) courts in Connecticut currently provide dedicated office space for family violence victims and Family Violence Victim Advocates (FVVAs). Four (4) courthouses provide designated space that is shared with either Family Relations or a housing advocate and, therefore, is not a private space where an FVVA can meet with a victim. Finally, five (5) courthouses (Bantam, Danbury, Enfield, Manchester & Rockville) do

not provide any dedicated space requiring that FVAs meet with victims in public areas such as the hallway or stairwell

FVAs are employed by the state's 18 domestic violence programs and are stationed at the local courthouse to provide essential services to victims such as safety planning, support, guidance through the justice system and crisis intervention. FVAs need a dedicated, safe, private space that will facilitate the confidentiality and privacy provisions afforded victims not only in Connecticut General Statutes but also through the federal Violence Against Women Act (VAWA) and Family Violence Prevention Services Act (FVPSA)

Lack of a private space leaves domestic violence victims vulnerable to further intimidation and control by their abuser. Meeting in a public area can also prevent full disclosure of the victim's situation leaving the FVA unable to establish a comprehensive safety plan for the victim. It is critical that each courthouse provide a private, dedicated office with a desk/table, dedicated phone line with voice mail capability, internet access (domestic violence agencies would provide computers and printer), and a secure file cabinet for victim files. We strongly encourage your support of this language to ensure that victims of domestic violence in every courthouse in this state are treated with the dignity and respect that they deserve.

Sections 18 – 19

Section 19 of the bill requires the Commissioner of the Department of Emergency Services and Public Protection (DESPP), in conjunction with Chief State's Attorney and the Connecticut Police Chiefs Association, to include in its firearm forfeiture protocol a provision to ensure that individuals who become ineligible to possess a pistol or revolver or other firearm because they are subject to a restraining order, protective order or a foreign order of protection to transfer, deliver or surrender such firearm while accompanied by a police officer.

CT General Statute § 29-36k currently requires that these individuals transfer, deliver or surrender their firearms to either the Commissioner of DESPP or a federal licensed firearms dealer within two (2) business days after the issuance of the restraining order, protective order or foreign order of protection. The protocol called for in this bill will require that these individuals be accompanied by a police officer for the transfer, deliver, or surrender of the firearm, which is intended to help protect domestic violence victims.

However, we would like to note that because offenders still have two (2) business days to transfer the weapon and are not required to do so immediately following the issuance of the restraining order, protective order or foreign order of protection, there will still be an unsupervised period of access to those firearms in which the offender can use the firearm to either injure him or herself or another person or persons.

Section 20

Section 20 of this bill requires the Judicial Branch to assess the effectiveness of batterer intervention programs including the Family Violence Education Program (FVEP), EXPLORE and EVOLVE. The assessment must consider findings from the Pew-MacArthur Results First Initiative's cost-benefit analysis model with respect to such programs. Results First seeks to help states assess the costs and benefits of policy options and use that data to make decisions based on results.

Currently Connecticut is one (1) of only six (6) states that do not have standards for batterer intervention programs. Of the 44 states with standards, 70% require standards by law. Most state standards include some method of certification for the professionals working with domestic violence offenders through a designated state entity.

In Connecticut, the Judicial Branch's Court Support Services Division (CSSD) administers state contracts to fund the provision of FVEP, EXPLORE & EVOLVE using a Request for Proposals process which includes guidelines for the delivery of these programs. While CSSD is able to collect, analyze and report data on offenders who have participated in their programs, information and standards about providers outside this state funded arena is non-existent and, therefore, of questionable value.

The Batterer Intervention Standards for the state of Indiana point out that, "Intervention standards promote the elimination of domestic violence by providing guidelines for ethical and accountable intervention practices to protect victims, their families and the community while seeking to eliminate domestic violence "

The absence of clear standards for programs and certification of providers leaves judges at a disadvantage when dealing with domestic violence offenders and attempting to hold them accountable for their violence

Section 21

Section 21 of the bill requires the Judicial Branch to assess the training programs available for judges and other Judicial Branch staff related to family violence. At a minimum, the assessment must compare such training programs to those of other northeastern states

One third of the cases before Connecticut's criminal courts relate to family violence. Judges in both criminal and civil court play a significant role in the lives of many victims and it is critical that they be fully informed about the dynamics of domestic violence. CCADV continually seeks opportunities to work with the Judicial Branch for purposes of training and education. Over the past year we have provided one hour of training for civil court judges at no cost as a means to strengthen the judicial system's understanding of this complex issue

Please do not hesitate to contact me with any questions

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Policy Brief

Financial Abuse: Securing Economic Protections for Victims of Domestic Violence

Over the last several years, Connecticut has made significant enhancements to our state laws that protect victims of domestic violence and hold offenders accountable. However, we still lag behind many other states with our definition of domestic violence (also referred to as "family violence") and, therefore, how we as a state seek to address the crime. Because our statutory definition of domestic violence focuses on physical acts or the threat of physical acts, we fail to address one of the most persistent forms of domestic violence – financial abuse.

Connecticut Coalition Against Domestic Violence (CCADV) and our 18 member programs contend that it is critical for the state to include financial orders as part of the civil restraining order process. Giving victims the ability to request financial relief to maintain their safety and basic needs, as well as that of the offender's dependent children, is a critical piece to ensuring their safety.

PROBLEM

Connecticut's civil restraining order statute (C.G.S. § 46b-15) fails to fully protect victims

- Domestic violence is a pattern of coercive, controlling behavior that can include physical abuse, emotional abuse, psychological abuse, sexual abuse and financial abuse
- 98% of abusive relationships include some form of financial abuse
- Some abusers prevent their victims from working or ever event obtaining the skills or training necessary to work, leaving the victim completely dependent financially on the abuser
- Victims often face the agonizing decision of living with the abuse or leaving and potentially facing poverty and homelessness
- By solely focusing on physical acts of violence or the threat of physical acts of violence and not addressing other forms of abuse, the state is not fully addressing the safety and basic needs of victims who seek to end an abusive relationship
- In 2009, the American Bar Association reported that 37 states included some form of spousal and child support as part of the restraining order

PROPOSAL

The civil restraining order process provides a unique opportunity for the state to alter the system of power and control held by abusers over their victims, as well as acknowledge the role that economic security plays in victim safety

CCADV proposes the following additions to clarify the court's ability to grant financial relief as part of civil restraining orders

- If the respondent has the legal duty to do so and the ability to pay, and if necessary for the safety or to maintain the basic needs of the applicant or the respondent's dependent children, ordering the respondent to (a) provide financial assistance to the applicant for a period of up to 120 days, and (b) to refrain from terminating utility services provided to the applicant's household if the parties resided together at the time the applicant applied for relief
- Restraining the respondent from withholding items of the applicant's personal property which are specified in the order
- Restraining the respondent from taking, converting, or damaging property or assets in which the applicant may have legal or equitable interest

Domestic violence is widely considered to be abusive behavior used by a person to maintain power and control over an intimate partner or family member. The most common form of abuse that people associate with domestic violence is physical abuse, such as hitting, slapping, punching and kicking. But in fact, domestic violence is a pattern of coercive, controlling behavior that can go far beyond an act of physical abuse, including emotional abuse, psychological abuse, sexual abuse and financial abuse.

A 2009 national poll conducted by the Allstate Foundation found that 86% of Americans did not associate "economic abuse" with domestic violence.¹ While less commonly understood, financial abuse is a tactic used frequently by abusers to ensure the dependency of their victim. The U.S. Department of Justice defines economic abuse as "making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment."²

There are generally three categories of financial abuse preventing the victim from acquiring resources, preventing the victim from using resources, or exploiting the victim's resources.³ These actions can lead victims to be entirely dependent on their abuser with little or no ability to financially care for themselves or their children.

- Forbidding the victim to work or attend school
- Sabotaging employment opportunities by giving the victim a black eye or other visible injury prior to an important meeting
- Jeopardizing employment by stalking or harassing the victim at the workplace
- Denying access to a vehicle or damaging the vehicle so that the victim cannot get to work
- Sabotaging educational opportunities by destroying class assignments
- Withholding money or giving "an allowance"
- Not allowing the victim access to bank accounts
- Hiding family assets
- Running up debt in the victim's name

According to the National Network to End Domestic Violence, research indicates that financial abuse is experienced in 98% of abusive relationships.⁴ While many factors impact a victim's decision to leave an abusive relationship, one of the reasons for staying most frequently cited by victims is a lack of access to financial resources. Victims are often confronted with the agonizing decision of staying in an abusive relationship or leaving and possibly facing extreme poverty and homelessness.



*of abusive relationships
include some form of
financial abuse*

Financial retaliation is also extremely common when a victim decides to end an abusive relationship. Upon deciding to leave, a victim will often discover that her⁵ partner has drained the joint bank account leaving her without access to cash. Further, a victim may find that her credit history has been destroyed because her abuser stole her identity and ran up excessive charges on her credit card. That is, of course, if she was ever allowed to build a credit history through use of credit cards or acquisition of assets. Either way, her abuser's actions have rendered her unable to obtain housing.

When considering the total number of intimate partner violence victims in the U.S., the Center for Disease Control and Prevention reports that nearly 8 million days of paid work and productivity are lost.⁶ Victims miss work for a variety of reasons, including infliction of physical injuries, lack of transportation, depression, fear that her abuser will harass her at the workplace, etc. Without access to cash, credit or stable income, victims can very quickly find themselves homeless. Here in Connecticut, our domestic violence shelters serve nearly 2,400 adults and children each year. The prospect of being homeless is terrifying and reason enough for many victims to remain in an abusive relationship.

The immediate days following a woman's decision to leave are often the most difficult for those who have experienced financial abuse. She is not only contending with the emotional trauma of the abuse, but she must also find a safe place to live and financial resources to care for herself and possibly her children. The reality of financial constraints often results in her return to her abuser. By providing temporary but immediate financial relief to victims through Connecticut's civil restraining order (RO) process, victims will have access to resources that can help keep them safe and keep them away from their abuser.

The RO process provides a unique opportunity for the state to alter the system of power and control held by abusers over their victims. RO laws should "provide remedies that permit a multidimensional reordering of the relationship, from the terms of the legal relationship to a recalibration of the power dynamics."⁷ Financial relief is just as critical to the victim's overall safety as removing a physically abusive partner from the home. "An order to vacate a residence may not offer adequate assistance if a survivor lacks the monetary resources to pay the rent or mortgage."⁸ If by removing the abuser a woman is left without the financial resources to which she has been made dependent, then she will still face harm and uncertainty.

The goal of the RO is to ensure the safety of the victim and that safety is undoubtedly dependent on access to financial resources. Domestic violence can impoverish its victims and leave them vulnerable to increased risk of violence. A significant cost is often borne by a victim who seeks to keep her abuser away as she establishes a free and independent life. As was previously mentioned, lack of access to financial resources is one of the reasons most frequently cited by victims who remain in an abusive relationship. Therefore, if the RO statute is to achieve its "legislative mandate, courts must honor requests for economic justice."⁹

*adults and children in
CT domestic violence
shelters each year*

CT General Statutes § 46b-15 – relief from physical abuse by family or household member – states that

(a) Any family or household member as defined in section 46b-38a who has been subjected to a continuous threat of present physical pain or physical injury, stalking or a pattern of threatening, by another family or household member may make an application to the Superior Court for relief under this section.

(b) The application form shall allow the applicant, at the applicant's option, to indicate whether the respondent holds a permit to carry a pistol or revolver or possesses one or more firearms. The application shall be accompanied by an affidavit made under oath which includes a brief statement of the conditions from which relief is sought. Upon receipt of the application the court shall order that a hearing on the application be held not later than fourteen days from the date of the order. The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit. In making such orders, the court, in its discretion, may consider relevant court records if the records are available to the public from a clerk of the Superior Court or on the Judicial Branch's Internet web site. Such orders may include temporary child custody or visitation rights, and such relief may include, but is not limited to, an order enjoining the respondent from (1) imposing any restraint upon the person or liberty of the applicant, (2) threatening, harassing, assaulting, molesting, sexually assaulting or attacking the applicant, or (3) entering the family dwelling or the dwelling of the applicant. Such order may include provisions necessary to protect any animal owned or kept by the applicant including, but not limited to, an order enjoining the respondent from injuring or threatening to injure such animal. If an applicant alleges an immediate and present physical danger to the applicant, the court may issue an ex parte order granting such relief as it deems appropriate. If a postponement of a hearing on the application is requested by either party and granted, the order shall not be continued except upon agreement of the parties or by order of the court for good cause shown.

The state's current statute contains the catch-all phrase "such relief may include, but is not limited to " before it goes on to outline several types of physical actions that the respondent is enjoined from taking. Based on the broad nature of the catch-all phrase, it would appear that judges can already grant temporary financial relief under this statute. However, it is the experience of our advocates that most judges are unwilling to consider any type of temporary financial relief as part of the process, viewing it as something unrelated to the RO process.

CCADV proposes the following additions to clarify the court's ability to grant financial relief as part of civil restraining orders under C.G.S. § 46b-15 and thereby acknowledge the role that economic security plays in victim safety:

- If the respondent has the legal duty to do so and the ability to pay, and if necessary for the safety or to maintain the basic needs of the applicant or the respondent's dependent children, ordering the respondent to (a) provide financial assistance to the applicant for a period of up to 120 days, and (b) to refrain from terminating utility services provided to the applicant's household if the parties resided together at the time the applicant applied for relief.
- Restraining the respondent from withholding items of the applicant's personal property which are specified in the order.
- Restraining the respondent from taking, converting, or damaging property or assets in which the applicant may have legal or equitable interest.

This proposal would not apply to the state's temporary, emergency restraining order ("ex parte"). Financial orders would only be considered at the restraining order hearing to consider the application.

It is critical that the court system view domestic violence beyond the narrow definition of physical abuse and instead for the totality of the broad crime that it is. "When the civil system is deeply intertwined with the criminal justice system, it tends to restrict the domestic violence narrative to criminal acts and physical violence. Psychological, emotional, and economic abuses are not addressed nor listened to unless they somehow meet the definition of a crime that is recognized by the court."¹⁰

Eliminating what is perceived as the immediate threat of violence is only part of the equation. Ensuring that a victim is given financial protections is as critical a part of providing her with safety as removing the physically abusive partner from the home. Without this protection, a victim is likely to face the continued threat of violence either as a result of homelessness or because she returns to her abuser because of financial constraints.

Referring a victim to another process outside of the RO causes unnecessary delay and fails to meet the immediate safety needs of victims. The abuser has chosen his actions and he should be held accountable for them. By requiring him to provide temporary financial assistance for a time-limited period following the issuance of a RO, the victim is provided the opportunity to regain the power and control over her own life and take the steps necessary to become financially stable and fully independent – something that in many cases, the abuser has prevented her from doing up until that point.

It is never acceptable to ask a victim to choose between her safety and economic survival. It is almost impossible for anyone, whether or not they are a victim of domestic violence, to make basic life decisions if they have no roof over their head. For instance, securing employment will prove difficult if each day is spent figuring out where you will sleep that night. Immediate financial protection could mean the difference between staying or leaving. Connecticut's RO process can and should provide this level of protection.

*states include some form of
spousal and child support in
the civil restraining order*

In 2009, the American Bar Association reported that at least 37 states¹¹ have incorporated some form of child and spousal support in the RO (also referred to as "civil protection orders" or CPOs). The following is a brief synopsis of economic protections provided in the RO process of other northeastern states

- Granting the plaintiff the exclusive right of use and possession of household furniture or a specific automobile, unless the defendant exclusively owns such personal property and has no legal duty to support the plaintiff or minor children
- Ordering the defendant to make automobile, insurance, healthcare, utilities, rent, or mortgage payments
- Directing the defendant to pay financial support to the plaintiff or minor children, unless the defendant has no legal duty to support the plaintiff or minor children
- Ordering the defendant to pay the plaintiff monetary compensation for losses suffered as a direct result of the abuse (e.g.: loss of earnings, medical and dental expenses, moving and shelter expenses)

- Granting exclusive use of the residence to the plaintiff regardless of whether the residence is jointly or solely owned/leased by the parties
- Requiring the defendant to pay monetary compensation to the victim for losses suffered as a direct result of the act of domestic violence (e.g.: loss of earnings or other support, including child or spousal support, cost of repair or replacement of property damaged or destroyed by the defendant, moving expenses)
- Requiring the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant has a legal duty to support the victim
- Awarding emergency monetary relief, including emergency support for minor children, to the victim

- Ordering the defendant to pay the plaintiff's living expenses for a fixed period of time, if the defendant has a duty to support the plaintiff
- Temporary order of child support, if the defendant has a duty to support the child or children

- Ordering a division of personal property and household goods and furnishings, refrain from taking, converting or damaging property in which the plaintiff has a legal interest
- Ordering payment of temporary support for the dependent party or for a child, where there is a legal obligation to support the dependent party or child
- Ordering payment of monetary compensation to the abused person for losses suffered as a direct result of the abuse

- Ordering the defendant to pay temporary support for the plaintiff or any child in that plaintiff's custody or both, when the defendant has the legal obligation to support such a person
- Ordering the defendant to pay the person abused monetary compensation for the losses suffered as a direct result of such abuse (e.g.: lost earnings, cost of restoring utilities, medical)

¹ The Allstate Foundation *Crisis Economics and Domestic Violence poll*, May 2009

² Accessed 3 7 13 from <http://www.ovw.usdoj.gov/domviolence.htm>

³ Adams, Adrienne E., et al., *Development of the Scale of Economic Abuse Violence Against Women* 2008, 14, p 563-588 Accessed 3 11 13 from www.wbg.org.uk/GBA_Present_2_2951060362.pdf

⁴ Accessed 3 7 13 from <http://www.nnedv.org/resources/je/resources/about-financial-abuse.html>

⁵ Nationally, 95% of domestic violence victims are female and, therefore, female pronouns will be used when referring to domestic violence victims. All victims of domestic violence deserve protections and all services provided at CCADV's 18 member agencies are available to victims regardless of age, gender, sexual orientation, race, ethnicity, religion, education, economic status or immigration status

⁶ Department of Health and Human Services, Center for Disease Control and Prevention, National Center for Injury Prevention and Control *Costs of Intimate Partner Violence Against Women in the United States* March 2003

⁷ Johnson, Margaret E., *Redefining Harm, Reimagining Remedies, and Reclaiming Domestic Violence Law*. UC Davis Law Review, 42, p 1107-1164 Accessed 3 7 13 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1303011

⁸ Sussman, Erika A., *Civil Protection Orders as a Tool for Economic Justice* The Advocate's Quarterly, Center for Survivor Agency and Justice, issue 3, 2006 Accessed 3 11 13 from http://www.ncdsv.org/images/AdvQuar_POasEconJustice_Spring2006.pdf

⁹ Id

¹⁰ Johnson, supra note 7, at 1141

¹¹ American Bar Association, Commission on Domestic Violence *Domestic Violence Civil Protection Orders (CPOs) By State* June 2009 Accessed 3 7 13 from www.americanbar.org/content/dam/aba/migrated/domviol/pdfs/dv_cpo_chart_authcheckdam.pdf

¹² New Hampshire Revised Statutes § 173-B 5, <http://www.gencourt.state.nh.us/rsa/html/XII/173-B/173-B-5.htm>

¹³ New Jersey Statutes § 2C 25-29, http://lis.njleg.state.nj.us/cgi-bin/om_sapi.dll?clientID=44678724&Depth=2&depth=2&expandheadings=on&headingswithhits=on&hitsperheading=on&infobase=statutesnfo&record={1892}&softpage=Doc_Frame_PG42

¹⁴ Vermont Statutes, 15 § 1103, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=15&Chapter=021&Section=01103>

¹⁵ Maine Revised Statutes, 19-A § 4007(1), <http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec4007.html>

¹⁶ Massachusetts General Laws, 209A § 3, <http://www.malegislature.gov/Laws/GeneralLaws/PartIII/TitleIII/Chapter209A/Section3>

Connecticut Coalition Against Domestic Violence, Inc. (CCADV) is the state's leading voice for domestic violence victims and those agencies that serve them. We are a membership organization of Connecticut's 18 domestic violence service agencies that provide critical support to keep victims safe 24 hours per day, wherever they live in our state. Confidential services provided by our members include a 24-hour toll-free crisis line, emergency shelter, safety planning, counseling, support groups, court advocacy, information and referrals, and community education. These services are provided free of cost to all victims of domestic violence

Ansonia | 203.736.9944

New Britain | 860.225.6357

Bridgeport | 203.384.9559

New Haven | 203.789.8104

Danbury | 203.731.5206

Norwalk | 203.852.1980

Dayville | 860.774.8648

Sharon | 860.364.1900

Enfield | 860.763.4542

Stamford | 203.588.9096

Torrington | 860.482.7133

Greenwich | 203.622.0003

Waterbury | 203.575.0036

Hartford | 860.527.0550

Willimantic | 860.456.9476

Meriden | 203.238.1501

Middletown | 860.347.3044

PAGE 23
LINE 4TestimonyByKathy MatsonApril 15, 2012

Good morning Judiciary Committee and thank you for the opportunity to be here today and speak on such an important issue such as House Bill 6702, An Act Concerning Domestic Violence and Sexual Assault. I am here today to testify on Section: 4, which require the Chief Court Administrator to provide a secure conference room for victims of family violence crimes and advocates for victims of family violence crimes.

My name is Kathy Matson; I am a Family Violence Victim Advocate at Interval House, the largest of 18 domestic violence programs in the state of Ct. Interval House provides comprehensive domestic violence services to victim of domestic violence in Hartford as well as 23 other surrounding towns. Our domestic violence programs across the state of Connecticut have Family Violence Victim Advocates in the criminal courts where they provide much needed extensive and comprehensive advocacy services to victims of domestic violence, after the arrest of a family member and/or intimate partner. Interval House has Family Violence Victim Advocates in the Hartford and Manchester courts. I have been housed at the Manchester court for the past 25 years. Last year, in 2012, Interval House provided services to 900 victims in the Manchester court.

I am here today because we are in desperate need of a confidential space in the Manchester court, where we can interview victims. Perpetrators of domestic violence rarely take responsibility for their violent behavior, blaming the victim and retaliating when they reach out for help such as calling the police. Therefore, when a perpetrator gets arrested, the risk level of the victim can rise to the level of lethality. The perpetrator has to appear in court and given the opportunity, will try to intimidate the victim, hoping that she will be too afraid to participate in the court process which can hold him accountable for his behavior. It is extremely important that if a victim comes to court, she can feel safe and comfortable sharing information about her situation, without the possibility of the perpetrator finding out.

I have dealt with victims who have been sexually assaulted who have not agreed to talk to me because they were too ashamed to even talk about what happened. Imagine having that conversation in the lobby of a courthouse.

This has become a huge challenge for those of us advocates who do not have office space available. In the Manchester court for over fifteen years we have been forced to interview victims in the lobby and at times, even in the ladies room. In this situation victims might not feel comfortable telling us the whole situation, therefore, hindering our ability to get the information we need to provide them the best services possible. Please support this bill which will assist us to facilitate the confidentiality and privacy provisions afforded to victims in Connecticut General Statutes, VAWA & FVPSA

Confidentially is essential to victims' ability to feel safe and at this time that is being jeopardized by the lack of office space. Although, we safety plan with every victim, it is still very difficult to feel safe when you're feeling so exposed. If victims of domestic violence do not feel safe inside a court house, where else can they feel safe?

April 12, 2013

Judiciary Committee
Room 2500,
Legislative Office Building
Hartford, CT 06106

Re: Raised Bill No. 6702 - An Act Concerning Domestic Violence and Sexual Assault,
SUPPORT for Section 1: Economic/Financial Protections for Victims in Restraining Orders

Dear Senator Coleman, Representative Fox, and members of the Judiciary Committee.

Our names are Jacqueline D'Louhy and Anthony Phillips. We are urging you to support the proposal in Raised Bill No. 6702 which would provide economic protections for victims of domestic violence as part of the restraining order proceeding

Currently in the New Canaan community that we work in, victims struggle with whether to file for a restraining order for multiple reasons. The first is whether and what type of a restraining order would provide them the most safety for themselves and their minor children. During this decision, many victims would prefer the safest outcome of having their abuser removed from the home. However, the major concern for the victim is always what retaliation they will face if they take that step. For the hundreds of victims we have worked with over the years, the retaliation looks like withholding the rent/mortgage payment, having utilities shut off for non-payment, not providing money for basic necessities like groceries and medicine for the children, having cars repossessed or refusing to relinquish critical identity documents like birth certificates. By amending C.G.S. § 46b-15 to specifically allow victims of domestic violence to obtain financial orders as part of the restraining order process, you are removing the abuser's ability to use economic survival as a means to coerce a victim into remaining in an abusive relationship.

More than 98% of abusive relationships involve some form of economic abuse. Access to economic resources is the number one predictor of whether a victim will be able to successfully and permanently separate from her abuser. The immediate days following a victim's decision to leave are often the most difficult. The victim is not only contending with the emotional trauma of the abuse, she must also find a safe place to live and the financial resources to care for herself and her children in the short term. Seeking orders of support through the family court often takes weeks if not months, even for *pendente lite* orders, particularly for low income and/or pro se victims unfamiliar with navigating the complex family court system. The ability to obtain economic relief during the restraining order process provides a victim with breathing room to keep her and her children safe while she gets those family court petitions started. **More than 37 states across the country currently provide this type of relief to victims through restraining orders.**

For those reasons, I urge you to support the language as currently drafted in the raised bill.*

Sincerely,

Jacqueline D'Louhy, LCSW/Youth and Family Services Specialist for the Town of New Canaan and Co-Chair of the New Canaan Domestic Violence Partnership Jacqueline.dlouhy@newcanaanct.gov (203) 594-3081

Anthony Phillips, LCSW/Youth and Family Services Coordinator for the Town of New Canaan and Co-Chair of the New Canaan Domestic Violence Partnership Anthony.phillips@newcanaanct.gov (203) 594-3081

*Provided that the word "ceasing" is removed

HB 6702



Verve

Promote Economic Rights of Victims Through Restraining Orders

Economic abuse has long been recognized as a primary element of domestic violence. U.S. Department of Justice's Office on Violence Against Women defines economic abuse as, "[M]aking or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment."¹ A direct consequence of economic abuse is that the victim becomes economically dependent on the abuser.² The National Council of Juvenile and Family Court Judges (NCJFCJ) recognizes that victim safety depends not only on the absence of physical violence, but also on the presence of social, economic, psychological and emotional security, and recommends that jurisdictions facilitate the issuance of civil restraining orders that provide for "the broadest relief allowable under state law and as requested by the petitioner" as a universal strategy to enhance victim safety.³ States around the country have overwhelmingly recognized that civil restraining order proceedings are an appropriate venue, and a necessary venue, for ensuring that a victim of domestic violence does not have to choose between personal safety and economic survival.

Temporary Child Support Orders

According to the American Bar Association's Commission on Domestic

Violence, forty (40) states across the U.S. explicitly provide for the provision of at least temporary child support through their civil protection order statute.⁴

States Which Authorize Child Support:

Alabama	Alaska
Arkansas	California
Delaware	Dist. of Columbia
Florida	Georgia
Illinois	Indiana
Iowa	Kansas
Kentucky	Louisiana
Maine	Maryland
Mass	Minnesota
Mississippi	Missouri
Montana	Nevada
New Hampshire	New Jersey
New Mexico	New York
North Carolina	North Dakota
Ohio	Pennsylvania
Rhode Island	South Carolina
South Dakota	Tennessee
Texas	Utah
Vermont	Virginia
West Virginia	Wyoming

Temporary Spousal Support Orders

According to the American Bar Association's Commission on Domestic Violence, at least thirty-five (35) states across the U.S. explicitly provide for the provision of at least temporary spousal support through their civil protection order statute.⁵

Examples of Economic Abuse:

- Withholding information about and access to family resources (bank accounts, credit cards, vehicle, etc.);
- Controlling the victim's money/providing only an "allowance" to the victim;
- Putting all property in abuser's name;
- Preventing victim from going to work and/or school;
- Stealing property from the victim;
- Destroying the victim's property;
- Terminating utilities, phone, rent payments whenever the victim attempts to leave;
- Failing to pay child support, even when ordered to do so by a court.

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States Which Authorize Spousal Support:

Arkansas	California
Delaware	Dist of Columbia
Florida	Georgia
Illinois	Indiana
Iowa	Kansas
Kentucky	Louisiana
Maine	Maryland
Massachusetts	Minnesota
Mississippi	Missouri
Montana	Nevada
N. Hampshire	New Jersey
New Mexico	North Carolina
North Dakota	Ohio
Pennsylvania	South Carolina
South Dakota	Tennessee
Texas	Utah
Vermont	West Virginia
Wyoming	

Providing Economic Security & Preventing Economic Retaliation: Leaders Within The Northeast

In addition to ensuring that a victim of domestic violence has the financial resources so that she does not have to choose between personal safety and economic survival, many states specifically provide for additional protections to ward off economic retaliation by an abuser for the victim having obtained the restraining order in the first place. For example, some states expressly authorize courts to order that the abuser maintain any rent/mortgage and/or utility payments. Several Northeastern states have been leaders in this area:

New Hampshire's Civil Protection Order statute⁶ reads, in relevant part

"(b) Other relief including, but not limited to:

(1) Granting the plaintiff the exclusive use and possession of the premises and cartilage of the plaintiff's place of residence, unless the defendant exclusively owns or leases and pays for the premises and the defendant has no legal duty to support the plaintiff or minor children on the premises.

(2) Restraining the defendant from withholding items of the plaintiff's personal property specified by the court. A peace officer shall accompany the plaintiff in retrieving such property to protect the plaintiff.

(3) Granting to the plaintiff the exclusive right of use and possession of the household furniture, furnishings, or a specific automobile, unless the defendant exclusively owns such personal property and the defendant has no legal duty to support the plaintiff or minor children

Courts Recognize the Connection:

"[W]hen a defendant's violent acts result in his removal from the marital residence and bar contact with his wife, this may well cause the loss to her of the funds necessary to maintain herself and the house. Such consequences are as direct as removal. That the Legislature did not intend victims of domestic violence to be discouraged by a threat of financial distress is made abundantly clear . . ."

Mugan v. Mugan, 555 A.2d 2 (N.J. Super 1989).

(4) Ordering the defendant to make automobile, insurance, health care, utilities, rent or mortgage payments "

New Jersey's Civil Protection Order statute⁷ reads, in relevant part:

"b. . . At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief. . .

(8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action

(9) An order granting either party temporary possession of specified personal property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects "

The Catch-All Provision Is Insufficient

Connecticut, like thirty-eight (38) other states,⁸ has what is commonly referred to as a "catch-all provision." C.G.S. § 46b-15 reads, in relevant part, "The court, in its discretion, may make such orders as it deems appropriate for the protection of the applicant and such dependent children or other persons as the court sees fit."⁹ However, provisions such as these are woefully under-utilized in practice nationally. Many judges refuse to order economic protections, such as the ones outlined above,

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preferring to see such orders as more appropriately heard in the context of a separate family court proceeding. However, it is a proper and necessary exercise of the court's jurisdiction in civil restraining order proceedings to address those needs of the victim which are necessitated by the abuser's threats and/or violence as economic issues are highly relevant to victim safety. Referral or deference to another court to determine these issues causes unnecessary delay and denies the victim an effective remedy.¹⁰ This is why so many other states have specifically authorized courts to entertain such forms of relief within the context of a civil restraining order proceeding.

Summary

Economic abuse must be addressed. We, as a community, must understand that women in abusive relationships are more often than not faced with choosing between safety for themselves and their children and economic survival. It is the most easily understandable answer to the question, "Why does she stay?" Access to economic resources is the greatest predictor of whether a survivor will permanently separate from her abuser.¹¹ Effective strategies to end violence against women must therefore include strong measures that promote economic security and restitution for victims.¹²

Additional Reading

Several national bodies, all versed

in the nexus of family law and domestic violence, have produced compilations of state laws and position papers supporting the practice of providing economic protection for victims of domestic violence through the civil restraining order process.

Such resources include

- "Advancing the Economic Rights of Domestic Violence Survivors in Protection Order Proceedings," (Battered Women's Justice Project) <http://www.csaaj.org/documents/175.pdf>
- "Domestic Violence Civil Protection Orders (CPOs) by State," (American Bar Association's Commission of Domestic Violence) http://www.americanbar.org/content/dam/aba/migrated/domviol/pdfs/dv_cpo_chart_auth-checkdam.pdf
- "Economic Relief Available in Protection Orders," (Battered Women's Justice Project/Jewish Women International). <http://www.jwi.org/document/doc?id=130>
- "Civil Protection Orders as a Tool for Economic Justice," (Jewish Women International) <http://www.jwi.org/document/doc?id=131>
- "Civil Protection Orders: A Guide for Improving Practice," (National Council of Juvenile and Family Court Judges). <http://www.ncjfcj.org/resource-library/publications/civil-protection-orders-guide-improving-practice>

Thinking Outside the Box: Other Possible Restraining Order Protections:

- **Restitution:** at least 26 states expressly authorize the court to order restitution for such out of pocket expenses as medical bills, relocation costs, property damages and lost wages.

Domestic Violence Civil Protection Orders (CPOs) By State, American Bar Association Commission on Domestic Violence (2007)

- **Possession/Use of a Vehicle and Other Personal Property:** at least 27 states expressly authorize the court to order exclusive possession of a vehicle and/or to not destroy or dispose of any joint or personal property.

Economic Relief Available in Protection Orders, a compilation by the Battered Women's Justice Project

- **Intervention Services:** at least 31 states authorize the court to order an offender to counseling, substance abuse, and/or batterer intervention services in an attempt to prevent future abuse.

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- 1 *What Is Domestic Violence?* U S Department of Justice, Office on Violence Against Women, available at <http://www.ovw.usdoj.gov/domviolence.htm> (last visited January 28, 2013)
- 2 Adams, Adrienne et al , *Development of the Scale of Economic Abuse*, 14 *Violence Against Women* 568 (2008), available at <http://yav.sagepub.com.dlib.pace.edu/content/14/5/568.full.pdf+html>.
- 3 Sheeran, M and Meyer, E , *Civil Protection Orders A Guide for Improving Practice* 24, National Council of Juvenile and Family Court Judges, Family Violence Department (2010)
- 4 *Domestic Violence Civil Protection Orders (CPOs) By State* American Bar Association Commission on Domestic Violence available at http://www.americanbar.org/content/dam/aba/migrated/domviol/pdfs/dv_cpo_chart.authcheckdam.pdf (June 2007)
- 5 *Id*
- 6 NH Rev Stat Ann § 173-B 5 (2012)
- 7 NJ Stat Ann § 2C 25-29 (2012)
- 8 Economic Relief Available in Protection Orders, The Battered Women's Justice Project, Civil Office, published by Jewish Women International, available at <http://www.jwi.org/document.doc?id=130> (last visited January 2013)
- 9 C G S § 46b-15(b) (2012)
- 10 See Thomas, Christine, *Advancing the Economic Rights of Domestic Violence Survivors In Protection Order Proceedings*, The Battered Women's Justice Project, Civil Office (June 2004)
- 11 See Gondolf, E and Fischer, E , *Battered Women As Survivors An Alternative to Treating Learned Helplessness* 95 (1988)
- 12 *Id*

April 15, 2013

Judiciary Committee
Room 2500,
Legislative Office Building
Hartford, CT 06106

Re Raised Bill No. 6702 - An Act Concerning Domestic Violence and Sexual Assault,
SUPPORT for Section 1: Economic/Financial Protections for Victims in Restraining Orders

Dear Senator Coleman, Representative Fox, and members of the Judiciary Committee:

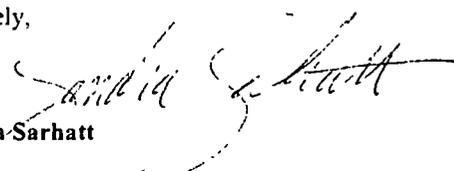
My name is **Sandra Sarhatt** I urge you to support the proposal in Raised Bill No. 6702 which would provide economic protections for victims of domestic violence as part of the restraining order proceeding

Currently in our community, victims are making two different calculations when assessing whether to file for a restraining order. The first is whether and what type of a restraining order would provide them the most safety. In that calculus, most victims would seek to at least have their abuser removed from the home. However, the second calculus is what sort of retaliation they are going to suffer if they take that step. For too many victims, the retaliation looks like withholding the rent/mortgage payment, not providing money for basic necessities like groceries and medicine for the children, or refusing to relinquish critical identity documents like birth certificates. By amending C.G.S. § 46b-15 to specifically allow victims of domestic violence to obtain financial orders as part of the restraining order process, you are removing the abuser's ability to use economic survival as a means to coerce a victim into remaining in an abusive relationship.

More than 98% of abusive relationships involve some form of economic abuse. **Access to economic resources is the number one predictor of whether a victim will be able to successfully and permanently separate from her abuser.** The immediate days following a victim's decision to leave are often the most difficult. The victim is not only contending with the emotional trauma of the abuse, she must also find a safe place to live and the financial resources to care for herself and her children in the short term. Seeking orders of support through the family court often takes weeks if not months, even for *pendente lite* orders, particularly for low income and/or pro se victims unfamiliar with navigating the complex family court system. The ability to obtain economic relief during the restraining order process provides a victim with breathing room to keep her and her children safe while she gets those family court petitions started. **More than 37 states across the country currently provide this type of relief to victims through restraining orders.**

For those reasons, I urge you to support the language as currently drafted in the raised bill *

Sincerely,


Sandra Sarhatt

*Provided that the word "ceasing" is removed

----- Forwarded message -----

From: **Marcia Hamelin** <marcia.hamelin@gmail.com>

Date: Fri, Apr 12, 2013 at 12:22 PM

Subject: Support for Raised Bill No. 6702, Sec. 1 (Economic/Financial Protections for Victims of Domestic Violence in Restraining Orders (46b-15))

To: JUD.Testimony@cga.ct.gov

April 12, 2013

Judiciary Committee
Room 2500,
Legislative Office Building
Hartford, CT 06106

Re: Support for Raised Bill No. 6702, Sec. 1 (Economic/Financial Protections for Victims of Domestic Violence in Restraining Orders (46b-15))

Dear Sen Coleman, Rep. Fox, and the Judiciary Committee.

My name is Marcia Hamelin. I am writing in support of the proposal in Raised Bill No. 6702 that would increase the economic protections afforded to victims of domestic violence who seek restraining orders.

Economic abuse is a tactic frequently used by an abuser to ensure the dependency of the recipient of the abuse. In fact, 98% of all abusive relationships involve some form of financial abuse. In numerous cases, access to economic resources is the best predictor of whether or not a victim will be able to successfully and permanently separate from her abuser. Without proper economic protection, victims are confronted with the unacceptable choice of staying in an abusive relationship or leaving and facing extreme poverty, reliance on state assistance, and/or homelessness. The proposal outlined in Raised Bill No. 6702, which would allow victims of domestic violence to obtain time-limited financial orders as part of the restraining order process, would provide immediate financial protection that could mean the difference between staying or leaving.

More than 37 other states across the country have outlined similar protections in their restraining order laws. Well-respected national institutions like the American Bar Association, the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project have recognized the importance of such protections. The proposal, as outlined in Raised Bill No. 6702, would bring Connecticut in line with the overwhelming national trend and provide critical protections for a victim of domestic violence attempting to remove herself and her children from a dangerous situation.

For those reasons, I urge you to support the language as currently drafted in the raised bill.*

Sincerely,

Marcia Hamelin

*provided the word "ceasing" is removed

--
Marcia Hamelin
18 Echo Hill Road
Weston CT 06883
h [203-227-2293](tel:203-227-2293)
c [914-393-6516](tel:914-393-6516)

Testimony

By

Jennifer Lopez

April 15, 2013

Good morning Judiciary Committee and thank you for the opportunity to be here today and speak on such an important issue such as House Bill 6702, An Act Concerning Domestic Violence and Sexual Assault. I am here today to testify on Section: 4, which requires the Judicial Branch to establish an ongoing training program for guardians ad litem.

My name is Jennifer Lopez; I am the Advocacy Program Director at Interval House, the largest of 18 domestic violence programs in the state of Ct. Interval House provides comprehensive domestic violence services to victim of domestic violence in Hartford as well as 23 other surrounding towns.

There are currently no state standards for the 6 day training course that prospective Guardian ad Litem (GAL) must take, nor are there any established outcome measures for successful completion. It has been my experience in the past 24 years that I have been providing services to victims, that there is a lack of understanding of the dynamics of domestic violence which play out in the course of a divorce and custody case in the family court. In particular, the GALs are given a high amount of power in making very important decisions and recommendations to the court that can ultimately either better or destroy the live of a child. This lack of understating has led to victim-blaming, not understanding the impact of witnessing domestic violence on children and not recognizing when an abusive parent is trying to use the child to continue to control and manipulate the non-abusive parent. This is not just my opinion but my own observations, as well as many victims' accounts about how the abuse became worse after the separation, but now it was thru the children.

Most batterers when they realize the victim has left and is not coming back will do anything they can to gain access to them. Therefore, they attack what is most dear to them. In some situations, it can be her job, her immigration status or her family. In cases where there are children, the batterer knowing the children are the most important things in a mother's live, will punish her by using them. Therefore, if they gain access and/or custody of the children, the mother will return to protect them. This is unfortunately true. It has been our experience in many cases that victims will return because they feel is the only way to protect their children.

According to national statistics, 90% of children from violent homes witness their fathers beating their mothers, 63% of all boys, age 11-20, who commit murder, kill the man who was abusing their mother and that the more severe the abuse of the mother, the worse the child is abused.

According to the best interest of the child standard in Connecticut, "we have consistently held matters involving child custody that while the rights, wishes and desires of the parents must be considered is nevertheless the ultimate welfare of the child which must control the decision of the court" In considering this staggering statistics and the best interest of the child, it is hard to understand why so many non-offending mothers are losing custody of their children to the offending parent.

In addition to their knowledge, experiences and expertise, Judges often rely on the information provided by the active players on a case i.e. the guardian ad litem to make their legal judgments. Therefore, they must receive the most extensive training and follow up focused on the family dynamics and the victim's perspective and experiences such as ; the misconception that because the parties are no longer in a relationship that the control and violence stops and is no longer an issue, the fact that domestic violence is about power and control, therefore, the batterer will try to drive the process by manipulating the people involved, making them believe that he is a good parent and that the mother isn't, that forcing a child to spend time with the offending parent, someone that he/she most likely witnessed been violent to their mother and often afraid of, is not in the best interest of the child, that witnessing violence between one's parent or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next, that boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults, and that 30% to 60% of perpetrators of intimate partner violence also abuse children in the household.

Due the high volume of domestic violence cases in the family courts which GALs are expected to handle, there needs to more extensive training on the offending parent's tactics of control over the victim and the process to ultimately change the outcome to his benefit, the non-offending parent's response to his behaviors and actions of control and the effects of domestic violence on children. Enhancing the training, by utilizing experts on domestic violence i.e. batterers tactics of control, dynamics of domestic violence, its effects on the children and the short and long effects of the trauma. Also follow up training to become more specialized with children needs and dynamics by working collaboratively in the field. Establishing standards and outcome measures will result in a stronger GAL system more adequately prepared to advocate for children involved in family violence cases, therefore, enhancing the odds for children to have a chance at a healthy a non-violent future.

April 15, 2013

Judiciary Committee
Room 2500,
Legislative Office Building
Hartford, CT 06106

Re: Support for Raised Bill No. 6702, Sec. 1 (Economic/Financial Protections for Victims of Domestic Violence in Restraining Orders (46b-15))

Dear Sen. Coleman, Rep. Fox, and the Judiciary Committee:

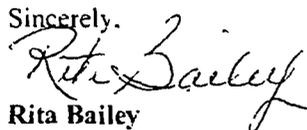
My name is **Rita Bailey**. I write to encourage you to support the proposal in Raised Bill No. 6702 which would allow victims of domestic violence seeking restraining orders to ensure their economic survival as part of that process

While not commonly understood, economic abuse is a tactic frequently used by abusers to ensure the dependency of their victim. In fact, **98% of all abusive relationships involve some form of financial abuse**. Tragically, access to economic resources is the best predictor of whether or not a victim will be able to successfully and permanently separate from her abuser. Without proper economic protection, victims are confronted with the agonizing choice of staying in an abusive relationship or leaving and facing extreme poverty, reliance on state assistance, and/or homelessness. The proposal outlined in Raised Bill No. 6702, which would allow victims of domestic violence to obtain time limited financial orders as part of the restraining order process, would provide immediate financial protection that could mean the difference between staying or leaving

Recognizing the monumental impact economic protections have on a victim's ability to keep her and her children safe, **more than 37 other states across the country have outlined similar protections in their restraining order laws**. Well respected national institutions like the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project have recognized the importance of such protections. The proposal, as outlined in Raised Bill No. 6702, would bring Connecticut in line with the overwhelming national trend and provide critical protections for a victim of domestic violence attempting to remove herself and her children from a dangerous situation

For those reasons, I urge you to support the language as currently drafted in the raised bill.*

Sincerely,



Rita Bailey
Co Chairman Darien Domestic Abuse Partnership

*Provided that the word "ceasing" is removed

April 15, 2013

Judiciary Committee
Room 2500,
Legislative Office Building
Hartford, CT 06106

Re: Support for Raised Bill No. 6702, Sec. 1 (Economic/Financial Protections for Victims of Domestic Violence in Restraining Orders (46b-15))

Dear Sen. Coleman, Rep. Fox, and the Judiciary Committee:

My name is **Dorothy Freedman**. I write to encourage you to support the proposal in Raised Bill No. 6702 which would allow victims of domestic violence seeking restraining orders to ensure their economic survival as part of that process.

While not commonly understood, economic abuse is a tactic frequently used by abusers to ensure the dependency of their victim. In fact, **98% of all abusive relationships involve some form of financial abuse**. Tragically, access to economic resources is the best predictor of whether or not a victim will be able to successfully and permanently separate from her abuser. Without proper economic protection, victims are confronted with the agonizing choice of staying in an abusive relationship or leaving and facing extreme poverty, reliance on state assistance, and/or homelessness. The proposal outlined in Raised Bill No. 6702, which would allow victims of domestic violence to obtain time limited financial orders as part of the restraining order process, would provide immediate financial protection that could mean the difference between staying or leaving.

Recognizing the monumental impact economic protections have on a victim's ability to keep her and her children safe, **more than 37 other states across the country have outlined similar protections in their restraining order laws**. Well respected national institutions like the National Council of Juvenile and Family Court Judges and the Battered Women's Justice Project have recognized the importance of such protections. The proposal, as outlined in Raised Bill No. 6702, would bring Connecticut in line with the overwhelming national trend and provide critical protections for a victim of domestic violence attempting to remove herself and her children from a dangerous situation.

For those reasons, I urge you to support the language as currently drafted in the raised bill.*

Sincerely,

Dorothy Nevas Freedman
30 Stonehenge Road
Weston, CT 06883

*Provided that the word "ceasing" is removed

Testimony of Elaine Peters submitted to the Judiciary committee in favor of bill 6702. AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

Thank you Senator Coleman and Representative Fox and members of the Judiciary Committee. I am here today in favor of bill 6702 AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

My name is Merry! Eaton, I am the director of Advocacy and Education at Christian Community Action in New Haven. I am a co-founder of the No More Crumbs Coalition and work closely with Mothers for Justice. I am here today to share the testimony of Elaine Peters, who is a member of both groups.

Elaine is wearing a brilliant smile in this picture but, underneath her smile is a lifetime of pain and suffering because of domestic violence and sexual assault. Thank you for allowing me to share some of Elaine's words.

As a child, I frequently witnessed abuse as well as being a victim. Throughout my lifetime, I became involved in several abusive relationships that often resulted in life-threatening traumas, both emotional and physical. I thought it was always me. I didn't understand that other people's relationships didn't involve coercion, intimidation, threats and violence. The men in my life kept me isolated and afraid.

I have state insurance and all too often I did not get adequate medical care. I was shuffled along and not connected to the proper services. I would go to the doctor after number beatings and they chose not to see my black eyes, torn skin or broken legs, or even to order a rape kit. I was too broken to even know what to ask for and they didn't connect the dots to refer me to the wraparound services that would help me. Doctors, police, teachers, social workers, and other professionals need to be connected, and the victim or the guardians need education about services so they can utilize them.

For me, not having these services earlier in my life, I have learned to compartmentalize and lock these emotions away, coping using multiple art forms and becoming an advocate for others, but I still have experienced a lifetime of post-traumatic symptoms. I recently have been helped to understand that in order to heal, I must unlock some of those memories, but the process is so very, very painful that I am often in a state of despair. I apologize that I was not able to be here today to share my testimony but, sharing my story in person takes so much of me, that I need a day or two to recover from the experience.

Today, I am asking you to make sure that my testimony makes a difference.. that you pass bill 6072 and my other bill that will make Connecticut a safer place for people who are threatened with domestic violence and that trauma informed care insures that wrap around service are available for those of us who have been unfortunate enough to need them. Thank you.