

Legislative History for Connecticut Act

PA 14-234

HB5593

House	6940-6944	5
Senate	3471, 3476-3477, 3480-3481	5
Judiciary	3626-3630, 3737-3745, 3750-3753, 3788-3791, 3875, 3876, 4696, 4853, <u>4856-4857, 4862-4903</u>	70
		80

H – 1201

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 21
6912 – 7260**

Mr. Clerk.

Mr. Clerk, announce the tally.

THE CLERK:

House Bill 480, as amended by House "A."

Total Number Voting 145

Necessary for Passage 73

Those voting Yea 145

Those voting Nay 0

Those absent and not voting 6

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed.

Mr. Clerk, please call Calendar 406.

THE CLERK:

On page 34, House Calendar 406, favorable report
of the Joint Standing Committee on Education,
Substitute House Bill 5593, AN ACT CONCERNING DOMESTIC
VIOLENCE AND SEXUAL ASSAULT.

DEPUTY SPEAKER GODFREY:

Representative Gerry Fox.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the Joint
Committee's favorable report.

DEPUTY SPEAKER GODFREY:

(Inaudible) is on acceptance and passage.

REP. FOX (146th):

The Clerk has an amendment, LCO Number 5496. I ask that it be called and I be allowed --

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 5496 which will be designated as House Amendment Schedule "A."

Mr. Clerk.

REP. FOX (146th):

Thank you, Mr. Speaker.

This is the domestic violence bill. The amendment deals with -- it's a strike-all. It deals with areas such a teen dating, spousal sexual assault, judicial training as well as when the -- the penalty for giving away the location of an emergency shelter and I would move adoption of the amendment.

DEPUTY SPEAKER GODFREY:

The question is on adoption.

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

I rise in support of the amendment. I just also wanted to note that there were several portions of the

underlying bill that were stripped from this amendment regarding fiscal notes and things of that nature so it is a different one than we saw.

I also just want to note lines 312 through 321, the word in 318 was changed to may so I'm comfortable with the language which I do not believe, as it's currently written, that the Judiciary Branch will be able to provide all the training as required under here but again the word is may so again they may be able to do some of it and we can address that in the future if any changes need to be made so I do rise in support of the amendment.

Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Will you remark further on House Amendment Schedule "A"?

If not, let me try your minds. All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

If not, staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? Have all the members voted?

Please stay close to the Chamber folks.

If all the members have voted, the machine will be locked.

The Clerk will take a tally.

Representative Candelaria, in the affirmative?

Representative Candelaria in the affirmative.

Mr. Clerk, please announce the tally.

THE CLERK:

House Bill 5593, as amended by House "A."

Total Number Voting 144

Necessary for Passage 73

Those voting Yea 144

Those voting Nay 0

Those absent and not voting 7

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed.

Mr. Clerk, 266.

THE CLERK:

On page 7, House Calendar 266, favorable report
of the Joint Standing Committee on Education,
Substitute House Bill 5566, AN ACT CONCERNING MINOR
REVISIONS TO THE EDUCATION STATUTES.

DEPUTY SPEAKER GODFREY:

Representative Fleischmann.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

I move acceptance of the Joint Committee's
favorable report and passage of the bill.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage. Will you
remark, sir?

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker.

This bill, as indicated, is minor revisions to
the education statutes. It would change the title
special master to district improvement specialist. It
would change the schedule for visual, hearing and

**S - 679
CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VETO
SESSION**

**VOL. 57
PART 11
3246 – 3508**

pat/gbr
SENATE

286
May 7, 2014

Madam President, would move to place that item on the
Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And the second item on Senate Agenda Number 1 is
Substitute House Bill Number 5311, move to place this
item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. And Madam President, on
Calendar, on Senate Agenda Number 4 previously
adopted, Madam President, would ask for suspension to
take up for the purposes of placing on the Consent
Calendar an item on Senate Agenda Number 4.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President. Madam President, would
move from Senate Agenda Number 4, from Senate Agenda
Number 4, Substitute House Bill 5593, would move to
place that item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

And also another item on Senate Agenda Number 4, would
move for suspension to take it up for purposes of
marking it Go, and that is Substitute House Bill
Number 5417.

pat/gbr
SENATE

291
May 7, 2014

On Page 27, Calendar 574, House Bill 5564.

House Bill 578, House Bill 5220.

On Page 28, Calendar 580, House Bill 5310.

Calendar 584, House Bill 5334.

Calendar 585, House Bill 5586.

Calendar 583, House Bill 5289.

On Page 29, Calendar 586, House Bill 5402.

Calendar 589, House Bill 5550.

Calendar 590, House Bill 5262.

Calendar 587, House Bill 5377.

On Page 30, Calendar 593, House Bill 5526.

Calendar 592, House Bill 5476.

On Page 33, Calendar 215, Senate Bill 243.

On Page 39, Calendar 387, Senate Bill 432.

On Page 40, Calendar 475, House Joint Resolution
Number 20.

Calendar 476, House Joint Resolution Number 26.

Calendar 532, House Joint Resolution Number 42.

THE CHAIR:

Mr. Clerk, can you please check on Consent Calendar
House Bill 5593. I don't see if you called that, on
the top.

THE CLERK:

That's on the previously adopted Senate Agenda House
Bill 5593.

THE CHAIR:

pat/gbr
SENATE

292
May 7, 2014

Okay, thank you, sir. Senator Looney.

SENATOR LOONEY:

Madam President, if the Clerk would review the items on Calendar Pages 12 and 13 that he has for his Consent Calendar List.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 12, Calendar 445, House Bill 5418.

Calendar 438, House Bill 5336.

On Page 13, Calendar 543, House Bill 5133.

Calendar 446, House Bill 5150.

Calendar 452, House Bill 5531.

SENATOR LOONEY:

Madam President, I believe there were two items missing from that page that were Calendar Page 13, Calendar 453, House Bill 5133 and Calendar 448, House Bill 5145.

THE CHAIR:

The first one, sir, was not missing but the second one was. The first one you had was Page 13, Calendar 453, which you did call. But then you had, there was one more that you talked about, 448.

SENATOR LOONEY:

448.

THE CHAIR:

Okay.

pat/gbr
SENATE

295
May 7, 2014

SENATOR LOONEY:

If we might pause for just a moment to verify a couple of additional items.

Madam President, to verify an additional item, I believe it was placed on the Consent Calendar and Calendar Page 30, on Calendar Page 30, Calendar 592, Substitute for House Bill 5476.

THE CHAIR:

It is, sir.

SENATOR LOONEY:

It is on? Okay. Thank you. Thank you, Madam President. If the Clerk would now, finally, Agenda Number 4, Madam President, Agenda Number 4 one additional item ask for suspension to place up on Agenda Number 4 and that is, ask for suspension to place on the Consent Calendar an item from Agenda Number 4.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President, and that item is Substitute House Bill Number 5566 from Senate Agenda Number 4.

Thank you, Madam President. If the Clerk would now, if we might call for a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk. Will you please call for a Roll Call Vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate Roll Call has been ordered in the Senate.

pat/gbr
SENATE

296
May 7, 2014

An immediate Roll Call on Consent Calendar Number 2 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:

Consent Calendar Number 2.

Total number voting	36
Necessary for adoption	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The Consent Calendar passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Two additional items to take up before the, our final vote on the implementer. If we might stand for just, for just a moment.

The first item to mark Go is, Calendar, to remove from the Consent Calendar, Calendar Page 22, Calendar 536, House Bill 5546. If that item might be marked Go.

And one additional item, Madam President, and that was from Calendar, or rather from Agenda Number 4, ask for suspension to take it up for purposes of marking it Go, that is House Bill, Substitute for House Bill 5417. Thank you, Madam President.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 8
3361 – 3940**

2014

remove is based on some identified impropriety or deficiency on the part of the GAL, and that any such motion to remove not be based solely upon a recommendation that has been made or a position taken by the GAL in the matter.

Section 5b indicates that payment for the fees due to an AMC or A GAL cannot be taken from a minor child's college savings account or qualified tuition plan. This provision makes sense for the benefit of the child, but there should also be a provision that any such college savings account or qualified tuition program should have been created and funded prior to the filing of the action in order to benefit from the protection that this section of the bill provides.

In any event, the judicial branch stands ready to work with the Legislature to implement meaningful and reasonable changes to help improve the system and the lives of Connecticut's children and parents. I thank you for your consideration, and I'm prepared to answer any questions.

But before I do so, I'd like to ask that Judge Solomon be given an opportunity to testify on a couple of other bills that are on your agenda today, Senator, if that's all right.

SENATOR COLEMAN: We would like to hear from Judge Solomon.

SB462
HB 5524 JUDGE ELLIOT SOLOMON: Good morning Senator Coleman, Senator Kissel, and members of the committee. Thank you for the opportunity to speak to you today about House Bill 5593 AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The judicial branch has concerns with some of the provisions of this bill.

Regarding Sections 1 through 10, I'd like to note

that they contain duplicative language from Senate Bill 462, which is AN ACT REGARDING CIVIL RESTRAINING AND PROTECTIVE ORDERS. The branch has concerns with Section 1 of the bill as noted by Judge Bozzuto, when she testified before the committee on March 17.

And I'm happy to report that we have been working with the sponsor of the bill to draft substitute language for your consideration that will address our concerns while still accomplishing the goals of that provision. Therefore I would urge you not approve the language in Section 1 of the bill as it exists today.

In Sections 21-26, these sections contain provisions similar to language that was recommended by The Task Force on Expansion of Civil Straining Orders, which I had the pleasure of chairing during the off-session months. That task force was created by legislation that passed last year.

In its report, the task force recommended legislation to authorize a new type of civil restraining order for victims of sexual assault and stalking who do not meet the relationship requirement of the current statute governing civil restraining orders.

As you know under the current law there's a requirement that there be a spousal relationship, a family relationship, or a dating relationship or something along those lines. But there are gaps in that legislation, and that is what this proposal is intended to address.

The proposal before you differs from the task force's recommendation in that it does not require enhanced service of the orders upon the respondents. There was a difference of opinion among the task force members as to whether

enhanced service should be required.

Support for the requirement centered around concerns for victims' safety, as well as issues of proof in the prosecution of violations of such orders. It was believed that the respondent must actually know that orders exist and what it prohibits. And these concerns would be met by a requirement of enhanced service.

Opposition to the requirement centered on the fact that requiring it, in this instance, would create a separate standard for some victims of sexual assault that differs from the standard of practice for civil restraining orders under Connecticut General Statute 46b-15, which does allow for abode service.

The task force voted 9-2 in favor of requiring enhanced service, and therefore included that requirement in the recommended legislation.

However, I would note that Section 3 of both this proposal and Senate Bill 462 would establish a task force to study service of restraining orders issued pursuant to 46b-15, including the permissible methods of service. Accordingly I would suggest that if such a task force is formed, it should also look at methods of serving this new type of civil restraining order.

Section 27, the judicial branch is opposed to Section 27 of this proposal which would add youth victims to the advisory council for the victims of crime. We believe that the interests of children and youth are well represented by the current membership of the advisory committee which is made up of 15 members representing a wide range of interests and expertise.

Additionally this requirement would present a practical issue as advisory council meetings are

held during the day. We respectfully request that the committee not approve this section of the bill.

In Section 32 of the bill the branch has serious concerns with Section 32 which would enact statutory language requiring the Chief Court Administrator to permit family violence victim advocates to provide services to victims of the domestic violence in the Family Division of the Superior Court in each judicial district of the state.

We are concerned about the implications of enacting such a requirement. Currently the judicial branch contracts with Connecticut Coalition Against Domestic Violence to provide through its member organizations family violence victims in our GA Courts and two civil court locations.

It is unclear how this proposed language would impact the contracting process. If this proposal is meant to require the judicial branch to contract up to 16 additional family victim advocates, I must note that the budget approved by the Appropriations Committee does not provide the necessary funding for the branch to do that.

It is also unclear how such services would interface with other services provided in our family courts. As court personnel, including family relations officers, court service center staff and other court staff also provide assistance and guidance to victims of domestic violence.

Finally, the language could be read to require that these advocates be housed in our courthouses. We have serious space issues in many of our courthouses. Legislation which was enacted last year required the branch to provide

secure space for victims and advocates in all our courts where practical and all available space has already been allocated to such staff. Accordingly we would urge the committee not to approve this section of the bill.

And finally on Section 33 of the bill the branch is opposed to Section 33 of this proposal which would require the branch to consult with the Connecticut Coalition Against Domestic Violence in developing training programs for judges.

Court support services division personnel, guardians ad litem, and Clerks. This proposal is unnecessary. The judicial branch already provides a comprehensive training program for judges and staffs that include all aspects of domestic violence. Although CCADV is respected for its expertise, dictating a specific organization to provide consultation is problematic on a number of levels, particularly since this identified agency contracts with the judicial branch to provide oversight of the family violence victim advocates in the criminal court.

It is not appropriate, in the branch's opinion, to involve an advocacy group in decisions about the training of judges and staff, and accordingly we urge the committee not to approve this section of the bill.

I also wish, finally, to address House Bill 5524 which is AN ACT CONCERNING THE RECOMMENDATIONS OF THE LAW REVISION COMMISSION RESPECT TO THE ALIMONY STATUTES OF OUR STATE.

While the branch takes no position on the larger policy question of whether Connecticut should amend its alimony statutes, we need to comment on the proposed language in Section 1c and 2a that would mandate the court to take into

KAREN JARMOC: Good afternoon. I'm Karen Jarmoc, I'm the Executive Director of the Connecticut Coalition Against Domestic Violence. I'd like to thank the chairs and the rest of the Judiciary Committee for allowing me to testify and speaking in favor of House Bill 5593, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

Given the brevity of time, I'm not going to speak on measures in the bill that are already in the Senate Bill, and just go right to the sections that are in the House Bill, if that's okay. The first piece I'd like to speak on is the Section 1320, Safe School Climate and Teen Dating Violence. This measure adds teen dating violence to the State Safe Schools Climate Statutes as well as adds teen dating violence awareness and prevention to the list of topics that are covered under health and safety education in public schools.

We are fully in support of this measure. Connecticut actually, teenagers in Connecticut after a 2011 health survey by the Department of Public Health were found to be at a higher risk of engaging themselves in teen dating violence than their counterparts across the nation.

There is a fiscal note on this bill. What I will say in response to that is our statewide organization, which represents the 18 domestic violence agencies that are doing this important work across our state will, by the end of May, have model curriculums in place for teen dating violence to help absorb that cost that schools might be concerned about.

The other section that I'd like to speak on is 28, Premium Financing Arrangements for Professional Bondsmen. You may recall that this issue was addressed in regard to surety bondsmen and the requirement of 35 percent down payment.

But it does not apply to professional bondsmen in our state, and what we find that victims of domestic violence, when there's an arrest on the domestic violence charge, which by the way, is around 40,000 arrests annually in the State of Connecticut.

The offender was being released without having to put payment down, making it a very easy release, and putting the victim at risk. So we're clearly in favor of this measure.

Also in favor of family violence victim advocates in the civil court. There is funding in the appropriations budget for two additional civil court advocates. This is clearly a very unique role our certified domestic violence counselors play in assisting victims in particular and obtaining a restraining order in the civil court.

There are criminal court advocates across our state working with victims when there's been an arrest. My understanding, I was not here for the testimony, but judicial was feeling that they were already serving in this capacity. I would say that is not the case in our opinion, and we were pleased to find funding for this measure in the appropriations budget for at least two advocates. Already there are two existing in two civil courts in our state of Connecticut.

While we didn't have training for the judicial branch in our policy priorities this session, we absolutely support this measure which calls for training for judges on the issue of family violence and we welcome the opportunity to collaborate and partner with the judicial branch on evidence-based practice and model policies in regard to training. I'm happy to answer any questions.

Susan Deleon from the New Haven agency will be

117
vkd/cd

JUDICIARY COMMITTEE

March 31, 2014
10:00 A.M.

testifying in regard to Section 34, Public Disclosure of Domestic Violence Shelter Locations, which was an issue for their organization out in New Haven. Any questions?

SENATOR COLEMAN: Are there questions for Ms. Jarmoc? Senator Kissel?

SENATOR KISSEL: Karen, it's always great to see you.

KAREN JARMOC: Great to see you.

SENATOR KISSEL: And you do a great job with the coalition. On the restraining orders, I know that on the task force there was a difference of opinion as to how that might be served. I think that some of the judges were leaning towards in-person service, whereas others were thinking that near abode service would be appropriate. Do you have an opinion on that?

KAREN JARMOC: Sure. If we're talking about victim safety, clearly our opinion is that service to the person is the most effective way to do that, because and these -- we're talking about the most high risk cases. So if someone is just getting that order by being in a mailbox, or quite honestly we've had circumstances where a victim had answered the door, given the order, and told to give it to the offender. That's, you know, in our opinion, not a best practice, and we would advocate for not at the abode, but to the person.

SENATOR KISSEL: And the other thing is on the portion of the underlying bill that would have the training, the testimony of Judge Solomon and Judge Carroll thought would be potentially a conflict given their relationship with you, so I would encourage you guys to sit down and talk with one another. Hopefully iron that out, and then [Inaudible].

KAREN JARMOC: Sure. I don't know that it's a conflict. I think we work very hard to forge great partnerships with judicial in particular, given the number of arrests that occur every year. And we obviously have in-state and national [inaudible] headed to Washington tomorrow to sit on the national IPV prevention council. So we're happy to talk with them further about it. Thank you.

SENATOR COLEMAN: Representative Gonzalez.

REP. GONZALEZ: Thank you. Thank you, former State Representative Jarmoc.

KAREN JARMOC: You're welcome.

REP. GONZALEZ: Nice to see you again.

KAREN JARMOC: Good to see you too.

REP. GONZALEZ: And thank you for your time and your dedication and your work -- and your good work. Thank you, very much.

KAREN JARMOC: You're welcome. I just, can I add -- I see Senator Holder-Winfield here, and Susan Deleon is here from BHcare and testifying on the shelter location issue. And we're just so pleased that you're still here to hear that testimony. Thank you.

SENATOR COLEMAN: Are there others with questions or comments? I'm sorry. Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman, and good afternoon.

KAREN JARMOC: Good afternoon.

REP. REBIMBAS: Thank you for your testimony. I just want to clarify something in the bill that's

before us, and it looks like it's Section 1. Regarding the new responsibilities that fall under the application for these types of orders, where the person can interfere, cancel any policies that they may have, and can't cancel utilities, and things of that nature, some, obviously, numerator responsibilities that would be new.

Is that if the obligation already existed, and I'm not talking about child support or anything along those lines, because obviously that is something that could always obviously be a separate action. But if the person was maintaining the household expenses and bills, does this just continue that obligation or does this also put the burden, that if that person was not paying for those bills, that they now may be subject to be ordered to pay for those Wills. Just a clarification regarding that.

KAREN JARMOC: Sure. My interpretation is that if they were already paying those bills and it was impacting the victim's ability to be safe and therefore stay in the home, but not additional financial burdens that were not theirs to begin with.

REP. REBIMBAS: Thank you for your response. Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you. Others with questions? Representative Flexer.

REP. FLEXER: Thank you, Mr. Chairman. Good afternoon.

KAREN JARMOC: Good afternoon.

REP. FLEXER: First of all, I want to thank you for your tremendous leadership at CCADV over the last several years. It's been a pleasure to work with

you on issues surrounding domestic violence, and you've been a tremendous advocate, and thank you for your work and collaboration with the Legislature for the legislation we passed in the last couple years and the bill before us today.

I do have a couple of questions, and I wondered if you could talk about the need for training in the judicial branch related to family violence, and specifically, you know, why these crimes are a little bit different, and why it's a unique thing that judges need to understand why victims of domestic violence are different than many other victims of crime.

KAREN JARMOC: Thank you, Representative Flexer, and thank you also for your leadership. I know it's no secret that you chair the Task Force on Domestic Violence, you the co-chair the Model Policy Governing Council for Law Enforcement's Response to Family Violence, and I don't think that we would have had such a focus on this issue without your championing this cause, so thank you.

What I would say in regard to your question is that we can all be strengthened by additional training and an increase to our capacity to learn and to understand. Domestic violence is a very complex issue, and it's very difficult, quite often, for a whole host of individuals to understand why does the victim sometimes stay, what are the nuances behind the circumstances in this relationship, and quite often a contentious relationship.

And so I'll just give you one -- one example of a situation where we had a victim appear before a judge seeking a restraining order. The judge actually was very professional and compassionate, but didn't feel the order to be issued because there was no threat of violence.

And quite honestly the threat of violence is part of the law. And so it clearly -- it became more aware to us that there was a misunderstanding or misinterpretation of the law, and we hear quite often, again, we have victim advocates who are in every corner of our state working with victims when there's been an arrest.

And we hear time and time again of circumstances where judges just aren't fully aware of the law and we just feel it serves us better, victims better, it serves the system better, and it would serve judges better to be able to collaborate and train, and if they are not comfortable with a CCADV I just would recommend, there are national TA providers through the Office of Violence Against Women who could certainly avail them of trending best practice, evidence-based models for training.

REP. FLEXER: Great. Thank you very much. And I also had a question concerning the disclosure of shelter locations. And I know that some of your member programs have had to deal with this issue. And I wondered if you could elaborate on that.

KAREN JARMOC: Sure, so when I was in the Legislature, I don't know if senators will remember, the Enfield Shelter had an issue and they were seeking -- their location was disclosed publicly. It was an accident, it was by a corporation. But so therefore there were efforts to find another location. And neighbors were not pleased to have a shelter, a domestic violence shelter in their neighborhood, and there was a lot of public outcry on that.

More recently, over the summer, in Milford, Connecticut, the New Haven-based BHcare organization was looking to open up a shelter, and again the critical component of a domestic

violence shelter is, it's a safety measure. It's the -- the confidentiality piece to it is so critical, because it's meant to provide safety for a victim and/or their children.

And so that shelter was -- that effort to open a shelter in Milford was ceased because there was Facebook postings, flyers being sent out, e-mails outing the location. And it was done in a malicious way knowing that if they could out the location, then they could stop the shelter from opening in that community.

So I know that's some questions around language in this particular bill. Legal services had indicated possibly, like a malicious intent. I actually support that. I think, you know, there are circumstances where someone might inadvertently expose the location. But where it's maliciously done to prevent a shelter from opening, or from a shelter that is in existence, I think that is a slippery slope, and I'm pleased to see it addressed in the bill.

REP. FLEXER: Great, thank you, very much. And again, thank you for all your leadership.

KAREN JARMOC: You're welcome. Thank you very much.

REP. FLEXER: Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you. Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman, and I appreciate it for the second time. It's just as I was reading through this, I wanted another point of clarification, if you wouldn't mind.

KAREN JARMOC: Sure.

REP. REBIMBAS: I notice under the definition of teen dating violence, and it goes on to describe what

that would include, but it also says that it occurs between two students. I'm just curious if there's a purpose why teen dating violence would be defined only as between two students opposed to two teens that may not be enrolled in school.

KAREN JARMOC: That's actually a great question. I don't have an answer for that piece. But clearly it's meant to target youth who are engaged in unhealthy dating relationships. So possibly that language could be altered to reflect that.

REP. REBIMBAS: Thank you for your response. Thank you, Mr. Chairman.

SENATOR COLEMAN: Thank you. Others with questions? Seeing none, thank you, very much, Karen.

KAREN JARMOC: Thank you.

SENATOR COLEMAN: Representative Arce. Karyn Economu.

ASHLEY GILL: I just wanted to thank you all for letting me speak today. Today I'm here in opposition to this proposed bill. I hope that I will be able to shed some light from a different perspective of this situation as I was a child that was a victim of this court system.

SB 494

When I was 8 years old, Campbell Barrett was brought on as my guardian ad litem. When I met him, the very first thing he said to me was that I could call him anytime I wanted to, even if I just wanted to talk about Harry Potter. I never even liked Harry Potter. When I did call Campbell Barrett to tell him how abusive my father was to me on my visitation, he would never answer my calls, and refused to call me back. He didn't even respond when I told him that I was getting pushed into furniture, and hit by my father on river.

to go through this again. So I knew I had to come speak, and it's worth it if I can help the children that are in similar situations now.

REP. GONZALEZ: I know there's a lot of kids out there that will really appreciate what you're doing today. So thank you, very much, and thank you to your mother. Thank you.

SENATOR COLEMAN: Are there others with questions? If not, we appreciate both of you and your testimony, particularly you, Ashley, for your courage in coming forward.

ASHLEY GILL: Thank you.

KARYN ECONOMU: Thanks for the attention.

SENATOR COLEMAN: Senator Fasano. Susan Deleon, or DeLon.

HB 5593

SUSAN DELEON: It's Deleon. Thank you. I am the Director of the Umbrella Center for Domestic Violence Services, also a member program of the Connecticut Coalition Against Domestic Violence in which you heard testimony a few moments ago. And I'm here to support all the bills mentioned here today designed to provide victims of domestic violence improved options for safety.

However, I would like to focus on Section 34, Penalizing Publication of Shelter Addresses Without Written Consent of a Domestic Violence Agency.

In the spring of 2011 an established safe house that had been providing safety in anonymity for women and children fleeing from domestic violence for over 20 years was forced to close due to structural damages resulting from a leaky roof. After the ceiling fell in the children's room, where nobody was hurt, fortunately, and it was

decided that fixing the house would cost more than its value, it was decided that it should be closed.

The intent was to purchase a house in another location that would serve to provide similar services to victims living throughout the Greater New Haven area, and that included the towns of Bethany, Orange, Milford, Woodbridge, New Haven, West Haven, East Haven, North Haven, Hampton, Branford, North Branford, Madison, and Guilford, that's our [inaudible] area.

Unfortunately, my attempts to find a place to serve as shelter did not work out, and speaking with town officials the theme became not in my town. It was by sheer chance that a real estate company contacted me that there was a house in Milford, a kind of white elephant, as she described it, that would be a perfect fit for a safe house.

It had been used in the past as rooming house, and was in a remote and safe area. It had a view of the Long Island Sound from the upstairs that seems very appropriate, a place where those dealing with such trauma would be able to find some respite and a place to organize their next move.

The next step before purchasing the house was meeting with town officials who inevitably welcomed up with open arms. I must say it was the first ray of hope we all had. For the first time no one was saying, not in my town. Staff were busy holding meetings for volunteers, and looking for further financial support for the project.

The town of Milford CDBG Department was willing to provide funds to replace the roof, all the windows, along with any asbestos removal that

needed to be done. We also got a bonding grant for the DSS for \$190,000.

In the summer of 2013, a neighbor contacted BHcare to state his dissatisfaction with the house in his neighborhood becoming a shelter for abused women and children. In an effort to mediate the process, the company's CEO and other relevant personnel met at town hall with the neighbor in an effort to put him at ease. In a series of news articles published, the address of the safe house was made public. It was unfortunate, and extremely daunting for the fact, and in fact, the constant discussion had created a danger to anyone who might eventually live there.

During the event in Milford, the address of the shelter was shared, as I said, via social media. Residents cited safety concerns and concerns that property values would be negatively impacted, and the goal of any shelter is to blend into the neighborhood.

I wanted to say that I've been doing this work for 22 years, and as an advocate that understands the trauma that is bestowed upon all those that are forced to flee from their homes due to violence, I learned to appreciate that support from the community is what makes these programs all work. We can look at the situation described in the town of Milford, but that would be inconsiderate and uncaring on our part.

I am hoping that our efforts to make a difference in the lives of adults and children affected by domestic violence does not go in vain or unnoticed, nor does what our program has gone through for two and a half years go unnoticed. Approval of Section 34 would demonstrate to us that those of us on the front line, along with the survivors who serve, are truly being heard,

131
vkd/cd

JUDICIARY COMMITTEE

March 31, 2014
10:00 A.M.

and our stories are not gone unnoticed. Thank you.

SENATOR COLEMAN: Thank you. First of all, I apologize for pronouncing your name incorrectly.

SUSAN DELEON: That's quite all right.

SENATOR COLEMAN: Susan Deleon, Deleon.

SUSAN DELEON: Yes.

SENATOR COLEMAN: Okay, I think I got it. My apologies.

Are there any questions?

If not, we appreciate your testimony.

SUSAN DELEON: Thank you.

SENATOR COLEMAN: Thank you for your time and your patience.

SUSAN DELEON: Thank you.

SENATOR COLEMAN: Shirley Pripstein.

SHIRLEY PRIPSTEIN: Good afternoon, Senator Coleman, Representative Fox, members of the committee. My name is Shirley Pripstein I'm an attorney with Greater Hartford Legal Aid. I practiced family law exclusively for 33 years, it'll be 34 in April. I'm here to testify today on 5524, THE ALIMONY BILL. It was my privilege to serve as a member of the study commission which produced this bill. And I'm testifying on behalf of the three legal service organizations in the state. Greater Hartford Legal Aid, New Haven Legal Assistance, and Connecticut Legal Services. We generally support this bill.

SB 494

I said that's not shocking at all.

REP. GONZALEZ: Thank you. Thank you very much.

ERIK STEVENS: You're welcome.

REP. G. FOX: Thank you, again, Mr. Stevens. Are there any other questions? Thanks for your testimony.

ERIK STEVENS: Thank you.

REP. G. FOX: Laura Cordes.

LAURA CORDES: Good afternoon, Representative Fox.

REP. G. FOX: Good afternoon.

LAURA CORDES: Members of the Judiciary Committee, my name is Laura Cordes. I'm the executive director of the Connecticut Sexual Assault Crisis Services consists of the coalition of Connecticut's non-community based sexual assault crisis service programs. Our mission is to end sexual violence and provide high quality, comprehensive, and culturally competent sexual assault victim services.

During our last year, certified sexual assault victim advocates provided hospitals, police, and court accompaniment, support groups, individual counselings, and 24/7 hotline support to over 7,000 men, women, boys, and girls, all survivors of sexual violence throughout our state.

I appreciate the opportunity to come before you in support of House Bill 5593, an act concerning domestic violence and sexual assault, and in particular the sections that represent the recommendations of a legislative task force, the task force on the expansion of civil restraining

orders. This task force was established last year as a result of Public Act 13214 and was chaired by Deputy Chief Court Administrator, Judge Elliot Solomon who came before the committee earlier today.

The task force was formed to study the feasibility of expanding access to civil restraining orders for all sexual assault victims regardless of the relationship to the offender. A report was issued to the General Assembly in February of this year.

I was happy to serve on the task force and want to take a moment to thank the members of the Judicial Branch staff and all of the task force members which include Senator Kissel, Representative Flexer, State's Attorney James Hercotton (phonetic), and several other attorneys and judges from the branch. All members took the time to carefully consider the safety needs of sexual assault victims and propose the language before you today.

We support the recommendations found in the task force report reflected in House Bill 5593 to create a civil protective order process that mirrors 46b-15 for persons who've been victims of sexual assault or stalkings who do not for civil restraining order and do not have a criminal protective order.

Sexual assault is a devastating crime that robs victims of their autonomy, control, and trust. And for many victims in the aftermath of an assault, a civil restraining order can afford a sense of safety and security.

Each month our programs throughout the state are contacted by sexual assault victims who are seeking a civil restraining order but were ineligible because of the relationship to the

perpetrator. This includes victims who have been told by law enforcement officers that they should obtain a civil restraining order, only to learn that they are ineligible. This leaves victims frustrated, revictimized, and living in fear without the protection that they deserve.

Under current law 46b-15, in order to be eligible to apply for a civil restraining order, the respondent must be a family or household member or a current or former partner.

While it is the case that more often than not, most sexual assault victims are assaulted by someone known to them, the offenders are not necessarily related by blood, living under the same roof, or an intimate partner. Perpetrators are more likely to be a known neighbor, colleague, classmate, family friend who targets the victim and uses their familiarity to gain access and then coerce, manipulate and assault them.

I will wrap up. Often -- I want to point out that offenders because they're known to the victim remain in a victim's social network or community and following an assault they can remain a threat to a victim. The victims are very vulnerable right after the assaults when they report to the police and even when victims report to the police, there's a gap, a period, where they're waiting for a protective order that can come upon arrest. But they may never come because arrest rates in sexual assault cases are so low.

All sexual assault victims deserve this protection. We appreciate certainly the work of the task force and your consideration. And we would like to see these sections in 5593 pass this session. Thank you for your consideration.

169
vkd/cd

JUDICIARY COMMITTEE

March 31, 2014
10:00 A.M.

REP. G. FOX: Thank you, Laura. Are there questions or comments? Seeing none, thank you for your testimony today.

LAURA CORDES: Thank you.

REP. G. FOX: Next is Susan Giacalone.

SUSAN GIACALONE: Good afternoon, Representative Fox and members of the Judiciary Committee.

REP. G. FOX: Good afternoon.

SUSAN GIACALONE: My name is Susan Giacalone. I'm here on behalf of the Insurance Association of Connecticut. I have submitted written testimony and due to the length in your hearing today will try to keep my comments brief, and I'll refer you to my testimony.

I'm here in opposition to House Bill 5595. First, Section 1, kind of confused by it, I'm not really sure what it's -- we're not really sure what it's trying to accomplish, as there is no such thing that we're aware of a private Medicaid managed health care plan. The state already has a lien for Medicaid payments, and there is a data system set up to be able to access when payments or settlements are made. So I'm not really sure what that section is trying to accomplish or get at.

I'd like to focus more on Section 3 which would set up disclosure requirements for insurers when they're providing annuities as a pension -- for pension purposes. Annuities have been use by employers to provide for pension benefits for almost 100 years, since 1921 they date back. They are a very integral part of pension planning even used by multiple employers in the state in some of its retirement plans.

myself. That's something new, and we haven't been able to get any answer to that to date.

SENATOR MCLACHLAN: Okay.

MAUREEN MARTOWSKA: And, you know, we have other issues where we privately have paid for. For instance, we have Dr. Christiana, which somebody recommended. My husband and I step up to the plate, and we say, "We're paying for our son, paying for his partner, and paying for the child to go for therapy to find out or do what they need to do." We pay upfront, and the parties -- the other two parties didn't go. My son went.

We paid Dr. Christiana directly. Dr. Christiana, a while later, decides to return the check to our GAL. Our GAL never returned that check to us. He kept it and put it into this fund as far as we know. And so the issue is, this was never his money to begin with. This should have been returned to us. These are the issues we're faced with, and we never seem to get answers on.

And there's great fear when people here behind me do bring up these issues because we have to work with the GAL. We have to work with the judges, and it becomes a source of intimidation.

SENATOR MCLACHLAN: Thank you. Thank you, Mr. Chairman.

REP. G. FOX: Thank you. Thank you for your testimony this evening.

Steve Crouse? Raphi Podolsky? Good evening.

RAPHAEL PODOLSKY: Thank you very much, Mr. Chairman.

My name is Raphael Podolsky. I'm with the Legal Assistance Resource Center. My office is part of the legal aid program.

HB 5524

HB 5593

SB 494

You've heard earlier today from a couple of legal aid witnesses. I want to speak briefly on three bills.

House Bill 5524 deals with alimony. We're fine with the bill with the exception of the part of Section 4(b) which deals with cohabitation. We support the burden shifting that Justice McLachlan referred to, but we think that you should retain the existing language that you need a change in financial circumstances.

The next bill is House Bill No. 5593, which deals with domestic violence. We would ask for one change in the very last section, Section 34, which talks about -- which makes it a crime to "knowingly reveal the location of a domestic violence shelter."

It's clear that this is not intended to criminalize a victim who is living in the shelter who say, for example, tells her mother where she is. The knowingly really needs to be maliciously. That's to say with the intent to really break the confidentiality, and we would ask that that change be made.

Finally, on Senate Bill No. 494 that you've heard a lot of testimony on, which is the bill on GALs, I wanted to make one specific comment that's really related to some things that Representative Gonzalez had said. I think it's important to recognize that the bill does, perhaps not in the way everyone is asking, addresses a lot of the concerns that were expressed today by witnesses.

The giving of standing to file a motion to remove GAL is a very important provision, and that's a real change from the law.

The requirement that there be prior spelling out

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 10
4411 – 4730**

2014

From: Susan Skipp
Sent: Saturday, March 29, 2014 8:02 PM
To: Jud Testimony; Blanchard, Deborah
Cc: Rep. Fox, Gerald
Subject: Testimony for all family related matters 3/31/2014

Ps. My children have been without their mother for 542 days, absent neglect, abuse, unfitness or change in circumstances. I was their prary caregiver. They are also denied three siblings. Best interest of children? Not mine. Mary Brigham, who was only appointed for sept 9, 2010- March 28, 2011 continued to bill over \$130,000.00 while my children not only lost a mother but an excellent private school education. Investigate afcc anti-trust and expel it from Connecticut as many other states have wisely done. Attached PDF is testimony as well.

458
491
492
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494
5524
5526
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**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 11
4731 – 5110**

2014



Judiciary Committee

March 31, 2014

Submitted by: Catherine Bailey and Nicole Seymour
Connecticut Women's Education and Legal Fund

H.B. 5524, An Act Concerning the Recommendations of the Law Revision Commission with Respect to the Alimony Statutes

S.B. 494, An Act Concerning Guardians Ad Litem and Attorneys for Minor Children in Family Relations Matters

H.B. 5593, An Act Concerning Domestic Violence and Sexual Assault

The Connecticut Women's Education and Legal Fund (CWEALF) is a statewide non-profit organization dedicated to empowering women, girls, and their families to achieve equal opportunities in their personal and professional lives. For 40 years, CWEALF has provided information, referral and support to women seeking guidance about questions involving divorce, child support, alimony, and custody. We have spoken to thousands of women. The majority of calls to our office are from individuals who earn \$25,000 or less annually, most with at least one dependent child.

HB 5524, An Act Concerning the Recommendations of the Law Revision Commission with Respect to the Alimony Statutes

Having attended all of the meetings of the Alimony Committee of the Law Revision Commission, I would like to commend the members on approaching their task in a fair and respectful manner. They studied the issues in great detail with a desire to do what is right for parties and the judicial system as a whole.

Alimony overview

While many of us have heard anecdotes about individual experiences in the family court, there has been little to no data showing the current status of alimony in Connecticut. To this end, CWEALF conducted a recent study reviewing a scientific sample of 433 divorces in 2012 in two judicial districts containing a range of incomes. First, we learned that alimony is rare in Connecticut. Only 19% of all divorce cases contained an order of non-token alimony.¹ Alimony

¹ "Token alimony" is \$1/year and signifies that the party awarded alimony is eligible to petition the court for a modification in alimony.

This bill would require the court to issue a second order outlining for parents the nature of the work to be done, a deadline for a status report from the GAL, a fee schedule, and a schedule for periodic review of the GAL's work. This is particularly helpful for *pro se* parties who are unfamiliar with the court system, many of whom contact us for information about the process. CWEALF's recent study of marriage dissolutions in New Haven and Bridgeport shows that 48% of parties are unrepresented in divorce. An outright statement of the nature of the work to be done by the GAL would especially assist these parties in navigating the process.

We also support the proposal to use a sliding scale fee schedule for payment of GAL or AMC fees. Our Family Law Study also revealed that average incomes for individuals in divorce are \$40,196 for men and \$28,860 for women. These are generally not wealthy people. A sliding payment scale would take into account the dramatically differing incomes of parties who come before the court.

With respect to the selection process for GALs, the Committee may wish to consider requiring the court to provide a list of qualifications or degrees (e.g. attorney or psychologist) for each of the five potential GAL names provided to parents, and system for rotating the distribution of names from the comprehensive list of certified GALs. It may also be helpful to consider a system that would ensure that less experienced GALs have access to appropriate training and development opportunities.

H.B. 5593, *An Act Concerning Domestic Violence and Sexual Assault*

CWEALF also supports raised bill H.B. No. 5593, *An Act Concerning Domestic Violence and Sexual Assault* to better serve those affected by domestic violence and sexual assault. We support the proposed addition of teen dating violence to safe school climate statutes (Sec. 13-19; 20), the expansion of civil restraining orders and the penalties of violating an order (Sec. 21-22), and implementing a pilot program for Civil Court family violence victim advocates (Sec. 32).

CWEALF is currently a member of the Connecticut Safe School Coalition, a statewide collaboration of state and private partners that support a positive and respectful learning environment for all students. We emphasize challenging behaviors that are detrimental to the physical, emotional, and intellectual development of children and adolescents.

Teen Dating Violence

To achieve a climate in which all students can learn to be productive citizens and workforce participants, the amendment of teen dating violence must be incorporated into safe school climate plans. The current policy falls short in supporting the needs of all students and the reality of teen dating violence. According to the 2011 Connecticut School Health Survey Youth Behavior Component Report, almost 17% of students reported emotional abuse and 8% were physically abused.⁵ Research has shown that students who are involved in an unhealthy relationship are more likely to do poorly in school, and report binge drinking, suicide attempts, and physical fighting.⁶ Further, teens who are victims in dating violence relationships are more

⁵ Connecticut School Health Survey Youth Behavior Component Report (2011). Retrieved from http://www.ct.gov/dph/lib/dph/hisr/pdf/YBC_2011_Report_ForWeb.pdf

⁶ http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html

likely to experience mental health illnesses such as depression and anxiety, engage in unhealthy behaviors, and have suicidal ideation. Victims may also carry the patterns of violence into future relationships.^{7 8} Given the repercussions to the lives of adolescents in the present and future and the need to secure a more respectful and safe school climate, teen dating violence should be added to the bullying statutes.

Civil Restraining Orders

CWEALF also supports Sections 21 and 22, which would broaden the category of individuals able to apply for civil restraining orders. This expansion would address the gap among victims who are sexually abused, sexually assaulted, or stalked by someone with whom they do not have a family, household, or dating relationship. Civil restraining orders obtained for victims of domestic violence or sexual assault are currently an important legal recourse for victims of intimate partner violence who are separating from their abusers. The same protection is needed for victims who may know the offender, but do not have a family or dating relationship with that person. The purpose of such orders--the victims' safety and preventing harassment--reflects the unfortunate reality that the measure is necessary to offer safety and security.⁹

Family Violence Victim Advocates

Finally, CWEALF supports Section 32, which would establish a pilot program for family violence victim advocates (FVVAs) in civil courts. Presently, only two domestic violence organizations in the state have the funding to have full-time FVVAs in family courts. Given the approximation that more than half of parties in family courts are pro se, and the state processes 8,900 applications a year, a great need is evident. Civil FVVAs would serve multiple purposes, such as providing families with a designated support in filling out applications, meeting the appropriate definitions of the order, and securing a State Marshal to serve the order. Having a point person is critical to ease the legal burden of completing this order individually or without the proper support. This legislation would be able to fill the gap by having advocates in the civil courts, assisting with safety planning and filling out restraining order applications.

In sum, HB 5593 would expand the protections for those who experience sexual assault, stalking, and domestic violence. We support these important proposals to integrate teen dating violence awareness and support in schools, extend civil restraining orders for abuse and stalking to acquaintance and stranger perpetrators, and increase support for victims through an advocate pilot program.

⁷ Foshee VA, McNaughton Reyes HL, Gottfredson NC, Chang LY, & Ennett ST. (2013). A longitudinal examination of psychological, behavioral, academic, and relationship consequences of dating abuse victimization among a primarily rural sample of adolescents. *Journal of Adolescent Health*, 53, 723-729.

⁸ Exner-Cortens D, Eckenrode J, Rothman E. Longitudinal associations between teen dating violence victimization and adverse health outcomes. *Pediatrics* 2013; 71:71-78

⁹ Vitte, K A. & Sorenson, S.B. (2008) Restraining orders among victims of intimate partner homicide. *Injury Prevention*, 14, 191-195 doi:10.1136/ip.2007.017947



STATE OF CONNECTICUT

INSURANCE DEPARTMENT

Testimony

Judiciary Committee

March 24, 2014

Raised Bill No. 5593 AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

Senator Coleman, Representative Fox, and members of the Judiciary Committee, the Insurance Department respectfully opposes section twenty-nine of Raised House Bill No. 5593: An Act Concerning Domestic Violence and Sexual Assault and asks that this bill be amended to remove the provision contained in Section twenty-nine of this bill, which would extend the statutory collection period for bonds paid for under a premium financing arrangement from fifteen to twenty-four months.

In 2011 the Judiciary Committee, among other committees, wisely passed SB 28 which became PA 11-45. PA 11-45 required among other things, that bail bond agents charge the full premium. In addition PA 11-45 allowed for the use of payment plans that required 35% down payment on the premium with any amount owed on the bond to be collected within fifteen months. These provisions were passed together to curtail what was and is a rampant practice among the bail bond community referred to as "undercutting". Undercutting, occurs when bail bond agents compete for business by discounting the premium due on a bond and not charging the statutorily required amount. This practice resulted in a number of horrific, high profile cases. Cases in which domestic violence defendants paid discounted bail prices (well below a bond set by the judge) with no concern regarding future payment, freeing themselves from custody only to commit additional acts of domestic violence against the victims they had originally accosted. The 35% down payment and the 15 month payment deadline were put in place together as belts and suspenders to help ensure these unfortunate scenarios never occur again.

If the referenced provision were to be enacted into law, the increased time frame would create additional problems for surety bail bond agents when they attempt to collect, given that in 24 months a defendant's case has been over for quite some time in the great majority of the cases. Additionally the extended timeframe would increase the possibility that some unscrupulous bondsmen may be able to use the longer time period to game the system by coming up, for ex., with plausible excuses why they are unable to collect.

Additionally, the Department would like to ask the Committee to consider adding the following amendment:

Subsection (k)(3) of section 38a-660 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2015):

(3) There is established an account to be known as the "surety bail bond agent examination account", which shall be a separate, nonlapsing account within the Insurance Fund established under section 38a-52a. The account shall contain any moneys required by law to be deposited in the account and any such moneys remaining in the account at the [close of the fiscal] end of each calendar year shall be transferred to the General Fund.

C.G.S. 38a-660(k) was put into statute by PA 11-45, as a method by which the Commissioner could audit the industry to ensure compliance with state law. The intent of the law was to allow the Commissioner a year to utilize the funds in the "surety bail bond agent examination account" to perform audits after which any excess funds would be swept into the General Fund. However, due to what the Department understands to be a technical error, the sweep date was accidentally placed at the close of the fiscal year rather than the calendar year.

The practical implication of this error is that the Department must rush to complete its audits within a six month period rather than the one year time period originally intended. This change in statute should not result in a fiscal impact of any kind to the State as the Department has typically used all the funds allotted to it in the recent past. Additionally, there is no financial impact to the bail bond community as the assessment amount remains unchanged.

The Department thanks the Judiciary Committee Chairs and members for the opportunity to provide this testimony on this bill and asks that its testimony and suggested amendments be given all due consideration.

About the Connecticut Insurance Department: The mission of the Connecticut Insurance Department is to protect consumers through regulation of the industry, outreach, education and advocacy. The Department recovers an average of more than \$4 million yearly on behalf of consumers and regulates the industry by ensuring carriers adhere to state insurance laws and regulations and are financially solvent to pay claims. The Department's annual budget is funded through assessments from the insurance industry. Each year, the Department returns an average of \$100 million a year to the state General Fund in license fees, premium taxes, fines and other revenue sources to support various state programs, including childhood immunization.

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Hello members of the committee; my name is Heather Francisco and I am an adult advocate at Safe Haven of Greater Waterbury. Thank you for allowing me to offer my testimony in support of HB 5593, An Act Concerning Domestic Violence and Sexual Assault. There are two particular sections that I would like to speak about.

In my role as an advocate I work with survivors of sexual abuse and their families. Many of my clients have been refused or denied a restraining order based on the relationship of their assailant. Connecticut is behind the times on this issue, currently, Connecticut law prevents survivors of sexual assault, who are assaulted by a friend, acquaintance, or stranger, from getting a restraining order. The majority of survivors I work with are assaulted by a friend or acquaintance making them ineligible for this protection. Last year I worked with a woman who was assaulted by an acquaintance. She desperately wanted a restraining order but was not eligible based on current relationship parameters. As a result she felt it necessary to relocate in order to avoid any contact with her assailant. This is not the typical case; most of my clients do not have the resources to relocate and are forced to face their assailant daily. My hope is that these individuals will be afforded the same protections under the law as other sexual assault survivors. The lack of such legal protection leaves these individuals living in fear. It is difficult to go about your day to day activities after an assault without legal protection. Although not all survivors may choose to file for a Temporary Restraining Order, this law will give them the opportunity to regain control and increase their safety. The option of restraining order would also help survivors to feel empowered. Giving them this power of choice would help promote healing after an experience that taken this away. A restraining order would also allow survivors to feel more at ease by offering support and protection in a difficult time. Please help this underserved population by updating our current laws to allow all sexual assault survivors to get a restraining order.

The other part of the bill I would like to speak about is having Family Violence Victim Advocates in Civil Court. Currently, Safe Haven advocates at our main office try to assist victims with a TRO application whenever possible. We assist about 200 victims/year. These are often clients who walk in without an appointment. By having an advocate in civil court, clients would be assured that they would receive prompt attention in filing the application. In addition to the application process, victims often have numerous questions about the protection provided by the order and how the order will be served. A civil court advocate would be able to explain how to complete the application and how to access the Marshal to serve the papers. In addition, victims are often terrified to go into court for the hearing date. They are afraid to confront their abuser, afraid that he may have an attorney or not even know what to expect from the hearing. Having an advocate there to help navigate this system would be of great benefit to any victim.

Thank you again for your time and attention to this very important bill. I hope you will vote in favor of HB 5593, An Act Concerning Domestic Violence and Sexual Assault.

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

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(860) 616-4472 ❖ cell (860) 836-6355 ❖ RPodolsky@LARCC.org

H.B. 5593 -- Domestic violence

Judiciary Committee public hearing -- March 31, 2014
Testimony of Raphael L. Podolsky

Recommended Committee action: **AMENDMENT**

We support this bill but request a clarifying amendment to Section 34. As drafted, Section 34 makes it a Class A misdemeanor for "any person" to "knowingly" disclose the location of a domestic violence emergency shelter. Our concern is that this could lead to the arrest of the victim if she were to tell a parent or a close friend where she is staying, even if she has no malicious intent. We believe that this is not the intent of the drafters of the bill. The problem is that "knowingly" in line 1059 refers to "knowingly disclose," rather than to "knowing that a disclosure will cause harm." It appears that California and Washington (and possibly other states) require that disclosure be made "maliciously." This would limit the criminal penalty to a person who discloses for an improper purpose.

We suggest that the word "knowingly" in line 1059 of the bill be changed to "maliciously."



Testimony of Connecticut Sexual Assault Crisis Services
HB 5593, AAC Domestic Violence and Sexual Assault

Laura Cordes, Executive Director
Judiciary Committee, March 31, 2014

Senator Coleman, Representative Fox, and members of the Judiciary Committee, my name is Laura Cordes and I am the Executive Director Connecticut Sexual Assault Crisis Services (CONNSACS). CONNSACS is the coalition of Connecticut's nine community-based sexual assault crisis services programs. Our mission is to end sexual violence and ensure high quality, comprehensive and culturally-competent sexual assault victim services.

During our last fiscal year, certified sexual assault victim advocates provided hospital, police and court accompaniment, support groups, individual counseling, 24/7 hotline support, information and referrals to over 7,000 victims and survivors of sexual violence throughout the state.

Thank you for the opportunity to come before you in support of HB 5593, AAC Domestic Violence and Sexual Assault and the sections that represent the recommendations of the legislative task force, The Task Force on the Expansion of Civil Restraining Orders, which was established last year as a result of *Public Act 13-214*.

This task force was formed to study the feasibility of expanding access to civil restraining orders for all sexual assault victims regardless of the relationship to the offender. A report to the Legislature was completed in February of this year. I served on the task force along with Ivonne Zucco, Executive Director of The Center for Sexual Assault Crisis Counseling and Education, one of CONNSACS' nine member centers. We were happy to be a part of this process and appreciate the work of our fellow task force members along with the Judicial Branch staff who took the time to carefully consider the safety needs of sexual assault victims.

We support the recommendations found in the task force report and reflected in HB 5593 to create civil protective orders process for persons who have been victims of sexual assault or stalking who do not have the protection of a civil restraining order or criminal protective order.

Sexual assault is a devastating crime that robs victims of their autonomy, control and trust. For many victims in the aftermath of an assault, a civil restraining order can offer a sense of safety and security.

Unfortunately under current law, far too many sexual assault victims can not access this protection. In order to be eligible to apply for a restraining order under 46b-15 the respondent must be a family or household member or current or former partner. While it is the case that more often than not most sexual assault victims are assaulted by someone known to them, the

offenders are not necessarily related by blood, living under the same roof or an intimate partner. Perpetrators are more likely to be a known neighbor, colleague, classmate, or family friend who targets the victim and uses their familiarity to gain access and then coerce, manipulate and assault them.

Often an offender remains in a survivor's social network or in their community following a sexual assault and can remain a threat to the victim. Victims of sexual assault feel particularly vulnerable immediately following an assault and after they report to the police. With an arrest, victims can anticipate a protective order, but investigations can be lengthy and arrest rates remain low.

Civil protective orders can help to protect victims during an investigation or longer if an arrest is never made. For some victims it may be the protection they need to feel secure enough to report the crime to the police.

CONNSACS member programs meet with survivors of sexual assault each month who are interested in seeking a civil protective order, but are ineligible because of their relationship to the perpetrator. There are also times where a survivor has been told by a law enforcement officer that they should obtain a civil restraining order only to learn later that they are ineligible. This leaves victims frustrated and revictimized and without the protection they deserve.

Connecticut would not be the first state to provide civil restraining orders to sexual assault victims. Currently over seventeen states do, including our neighboring states of Massachusetts and Vermont.

All sexual assault victims regardless of their relationship to the respondent deserve access to the protection afforded by our current civil restraining order system. The proposed civil protection order system would address this need.

As the state continues to explore how restraining orders are served by State Marshals, CONNSACS supports section three of HB 5593, to create a task force to study the service of restraining orders.

Thank you for your consideration. I would be happy to provide additional information or answer questions you may have.



Working toward ending domestic violence

March 31, 2014

TESTIMONY OF PENNI MICCA SUBMITTED TO THE JUDICIARY COMMITTEE

Raised H.B. No. 5593: AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

Senator Coleman, Rep Fox, and members of the Judiciary Committee,

My name is Penni Micca. As a representative of Interval House, Connecticut's largest domestic violence intervention and prevention program, a member of the Connecticut Coalition Against Domestic Violence (CCADV) Public Policy Committee, and Chair of the Connecticut Domestic Violence Fatality Review Sub-Committee (CDVFR), I appreciate the opportunity to submit testimony pertaining to Raised H.B. No. 5593: An Act Concerning Domestic Violence. I am writing to urge you to support this bill and to talk to you about Section 1 in particular

Financial relief as part of a restraining order is crucial. The purpose of civil restraining orders – the statutory intent - is SAFETY. SAFETY for domestic violence survivors requires economic security. Plain and simple, domestic violence impoverishes survivors of domestic violence and exposes them to increased risks of additional violence. An order for the respondent to vacate a residence does not offer adequate assistance if a survivor lacks the monetary resources to pay the rent or mortgage. It is also important that CT authorizes restraining orders that grant survivors possession and use of their vehicle and other personal items, regardless of the ownership of the items. Fear of having utilities shut off, no transportation and/or no money to put food on the table can be as terrifying to survivors (*especially parents*), as the violence and stalking they are already enduring.

I worked with a woman who tried desperately to leave the man who abused her for many years. She continually put off filing for a restraining order. She tried to prepare for leaving, but he undermined her employment and escalated his abuse. A mother of three, she would not be able to feed and house her family. Finally, she could not take the abuse any longer and she submitted an application for relief from abuse. An ex-parte order was issued and I attended the hearing with her. It was school vacation week. Normally a time of joy for children, she was nervous. The kids received breakfast and lunch at school on Mondays through Fridays. She was concerned about how she would manage to add fifteen meals and snacks to her already tight food budget. As she was relaying this information to me, her abuser walked into the court house wearing new khakis (crisp and fresh, sizing still intact), a new leather jacket and flashing a fancy new cell phone. It was quite a message, and she knew she would not receive a cent from him for as long as the order was in place. With that being said, she moved forward with the order. After a short period of time, he crept back into her life. She knew what he was doing but felt she had no other option. He knew her financial situation. He knew when she would be scraping by. First he came by with a bag of groceries and dropped them off. A violation of the order, but she needed that food. The visits became more frequent and longer as time went on. He would never give her cash. She was having a difficult time finding a job during the children's school hours and the kids were confused when they saw their father at the house. One day he didn't leave. She felt defeated and hopeless. He remained in the home for a number of months – until he beat her badly and was incarcerated; unable to meet his high bond. Her story is not unusual. Survivors of domestic violence often cite the fear of not being able to minimally support themselves and their children as an obstacle to their SAFETY.

Over the years of reviewing domestic violence fatalities, we have learned that limited options for economic stability overwhelmingly contributed to keeping victims trapped in relationships with violent abusers. This instability meant that they were unable to leave or delayed leaving their abusers. In many cases, restraining orders were considered, but financial fears were overwhelming.

Economic stability is at the nexus of a survivor safely leaving an abuser or staying in a dangerous relationship because options are limited. I urge you to support Raised H.B. 5593. It speaks to the statutory intent of civil restraining orders. SAFETY. Thank you for your consideration.

Respectfully submitted,

Penni Micca

Penni Micca

*Domestic Violence Law Enforcement Advocate * Domestic Violence Outreach Team (DVOT) * C/O Manchester Police Department
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Heather Francisco, Adult Advocate

Safe Haven of Greater Waterbury

HB 5593, An Act Concerning Domestic Violence and Sexual Assault

Hello members of the committee; my name is Heather Francisco and I am an adult advocate at Safe Haven of Greater Waterbury. Thank you for allowing me to offer my testimony in support of HB 5593, An Act Concerning Domestic Violence and Sexual Assault. There are two particular sections that I would like to speak about.

In my role as an advocate I work with survivors of sexual abuse and their families. Many of my clients have been refused or denied a restraining order based on the relationship of their assailant. Connecticut is behind the times on this issue, currently, Connecticut law prevents survivors of sexual assault, who are assaulted by a friend, acquaintance, or stranger, from getting a restraining order. The majority of survivors I work with are assaulted by a friend or acquaintance making them ineligible for this protection. Last year I worked with a woman who was assaulted by an acquaintance. She desperately wanted a restraining order but was not eligible based on current relationship parameters. As a result she felt it necessary to relocate in order to avoid any contact with her assailant. This is not the typical case; most of my clients do not have the resources to relocate and are forced to face their assailant daily. My hope is that these individuals will be afforded the same protections under the law as other sexual assault survivors. The lack of such legal protection leaves these individuals living in fear. It is difficult to go about your day to day activities after an assault without legal protection. Although not all survivors may choose to file for a Temporary Restraining Order, this law will give them the opportunity to regain control and increase their safety. The option of restraining order would also help survivors to feel empowered. Giving them this power of choice would help promote healing after an

experience that taken this away. A restraining order would also allow survivors to feel more at ease by offering support and protection in a difficult time. Please help this underserved population by updating our current laws to allow all sexual assault survivors to get a restraining order.

The other part of the bill I would like to speak about is having Family Violence Victim Advocates in Civil Court. Currently, Safe Haven advocates at our main office try to assist victims with a TRO application whenever possible. We assist about 200 victims/year. These are often clients who walk in without an appointment. By having an advocate in civil court, clients would be assured that they would receive prompt attention in filing the application. In addition to the application process, victims often have numerous questions about the protection provided by the order and how the order will be served. A civil court advocate would be able to explain how to complete the application and how to access the Marshal to serve the papers. In addition, victims are often terrified to go into court for the hearing date. They are afraid to confront their abuser, afraid that he may have an attorney or not even know what to expect from the hearing. Having an advocate there to help navigate this system would be of great benefit to any victim.

Thank you again for your time and attention to this very important bill. I hope you will vote in favor of HB 5593, An Act Concerning Domestic Violence and Sexual Assault.

Judiciary Committee
March 31, 2014
HB 5593 An Act Concerning Domestic Violence and Sexual Assault
Anonymous Submission

Dear Honorable Members of the Committee:

I am a victim of Domestic Violence who has been struggling for years in the Family Courts to maintain custody of my child. I am submitting my testimony anonymously. There are many other women like me who would like to come forward publicly, but are afraid to do so. This is complicated by the fact that many women victims of Domestic Violence lack the internal resources to be organized to have their voices heard.

I would agree with others who submitted written testimony indicating that Domestic Violence Victim Advocates are direly needed in the Civil Family Courts. Women victims of domestic violence have no advocates in the civil family court system. They are told by their attorneys to not mention Domestic Violence or risk losing their children. This is due to the fact that women victims of domestic violence loose custody to their abusers an alarming 70% of the times according to statistics gathered by the American Bar Association. The statistics also show that up to 50% of high conflict custody cases involve domestic violence. The courts have actually become the last battleground whereby abusers can attempt exert control over their victim by depleting them of economic resources, and taking their children. This is a national crisis which has been addressed by the legislature of other states. CT still lags behind.

Other states have completed bias studies by Supreme Judicial Court Tasks Forces revealing gender bias against women victims of Domestic Violence in Civil Family Courts. Measures including new laws to protect women victims have been implemented.

While I think HB 5593 is a small step in the right direction, more needs to be done. The National Coalition Against Domestic Violence addresses issues surrounding an domestic violence and child protection in custody disputes, however, our local Connecticut chapter has not.

Education needs to include Domestic Violence dynamics of abusers in custody battles directed not only to judges and court personnel, but also custody evaluators. See Child Custody Evaluators' Beliefs About Domestic Abuse Allegations, U.S. Department of Justice Study, Daniel G. Saunders, Ph.D., October 31, 2011. Much more work needs to be done in the area of Family Court Reform to protect Women Victims of Domestic Violence.

Thank you for your time and attention to this very important bill. I hope that you will vote in favor of HB 5593.

Center for Children's Advocacy

TESTIMONY IN SUPPORT OF SECTIONS 13-20, 27 OF RAISED BILL 5593, AN ACT CONCERNING DOMESTIC VIOLENCE AND SEXUAL ASSAULT

March 31, 2014

This testimony is submitted on behalf of the Center for Children's Advocacy, a statewide private, non-profit legal organization. The Center provides holistic legal representation for poor children in Connecticut's communities through individual representation and systemic advocacy. I am an attorney at the Center and Director of the Teen Legal Advocacy Project, which provides legal services to teens throughout the state, including an office in Warren Harding High School in Bridgeport, CT. It is because of our advocacy work with victims of teen dating violence at both the individual and systemic levels that **we urge you to support sections 13-20 and 27 of An Act Concerning Domestic Violence and Sexual Assault.**

Established in 2011, CT's Safe School Climate was developed with the specific purpose of shifting cultures in schools from those that attempt to fix bullying after it has occurred, to a positive climate where bullying is not tolerated. The "climates of respect" is meant to foster positive behavior and discourage any form of mean-spirited behaviors, either physically, emotionally, or intellectually. However, by only recognizing bullying, this policy fails to adequately address the serious problem of teen dating violence experienced by students throughout Connecticut schools. We have represented these students through our programs in Hartford and Bridgeport, and we believe the changes in 5593 will go far in addressing unsafe behaviors at the school level.



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According to the 2011 Connecticut School Health Survey Youth Behavior Component Report, administered by the CT Department of Public Health, 16.7% of Connecticut students reported that they were emotionally abused by a boyfriend or girlfriend (e.g., called names, made fun of in front of others, ridiculed about their body or looks or told they were worthless). Additionally, 8.2% of high school students were hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend. Nationally, nearly 1.5 million high school students experience physical abuse from a dating partner in a single year.

According to the National Conference of State Legislatures, at least 19 states have laws that urge or require school boards to develop curricula on teen dating violence. Given the data we have available, Connecticut should also adopt laws to address the issue of teen dating violence in our safe school climate plan, track incidents, and provide support to districts in addressing teen dating violence.

Thank you for your time and consideration.

Respectfully submitted,
 Stacey Violante Cote

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**Testimony of
 The Permanent Commission on the Status of Women
 Before the Judiciary Committee
 March 31, 2014**

Re: H.B. 5593, AAC Domestic Violence and Sexual Assault

Senators Coleman and Kissel, Representatives Fox and Reimbias, 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 the above referenced bill.

H.B. 5593 enhances civil and criminal protections for victims of domestic violence and sexual assault. It also requires public schools to include programming about teen dating violence awareness and prevention.

Impact on Women – Domestic Violence:

In 2013, the Connecticut Coalition Against Domestic Violence provided services to 56,178 victims.¹ The number of individuals victimized is unknown since many do not report the abuse and/or seek assistance.

Domestic violence is a pattern of coercive, controlling behavior that could include physical, emotional, psychological, sexual or financial abuse. Domestic violence affects the health status of many women throughout the state, no matter their racial, ethnic, cultural or socioeconomic status.

Impact on Women – Sexual Assault:

Women and girls are the vast majority of victims of sexual assault in the United States. Nearly 1 in 5 women, or 22 million, have been raped in their lifetimes.² In Connecticut, 26% of women and 10% of men are sexual assault survivors.³ Almost all of the perpetrators are male (98%).⁴

Connecticut has made many advances in establishing law and public policy regarding domestic violence and sexual assault. This bill would further Connecticut's policies to protect victims of these crimes. We look forward to working with you to address these important issues. Thank you for your consideration.

¹ Connecticut Coalition Against Domestic Violence (CCADV) (2013) Domestic Violence Service Statistics, Connecticut Retrieved from <www.ctcadv.org>

² The White House Council on Women and Girls (January 2014) Rape and Sexual Assault: A Renewed Call to Action

³ Connecticut Sexual Assault Crisis Services (CONNSACS) Sexual Assault in Connecticut Fact Sheet

⁴ The White House Council on Women and Girls, footnote 2

Judiciary Committee

HB 5593, AAC Domestic Violence and Sexual Assault

Submitted by: Krystal Rich, Adult Advocate, Sexual Assault Crisis Service, a program of the YWCA New Britain

Senator Coleman, Representative Fox, and honorable members of the Committee, my name is Krystal Rich and I am one of the Adult Advocates for the Sexual Assault Crisis Service (SACS), a program of the YWCA New Britain. As an Adult Advocate for an organization that serves sexual assault survivors and their loved ones, I have seen first-hand the horrendous effects this crime has on our society. Today I would like to offer my support for the inclusion of expanded access to restraining orders for all victims in HB 5593, AAC Domestic Violence and Sexual Assault.

Victims of sexual assault and stalking deserve, at the very least, to have some form of protection from their perpetrator. Currently, sexual assault and stalking victims can only obtain a civil restraining order if their aggressor was, or is, a family or household member. Victims whose aggressor is a friend, acquaintance, or stranger are not permitted to obtain a restraining order and are forced to live their lives in fear. The only other form of protection offered is a criminal protective order which is only available if their aggressor is arrested and the case is brought to court. The unfortunate reality is that the rates of arrests in these situations are very low and most sexual assault cases never even make it to the court room. Additionally, victims should not be subjected to the possible re-victimization associated with the court process to receive some form of protection. This is not about courts, this is not about paperwork, this is about people and their right to feel safe.

Given that 40.8% of all victims are assaulted by an acquaintance, it is not surprising, given the current law, that I have seen an alarming number of individuals who are denied the opportunity to be protected through a restraining order. Each time I am asked the same question- why would a system set-up to protect citizens deny people who have already been victimized the chance to be protected? The only thing I can offer to these survivors is a sense of hope that our state will soon make the changes necessary to afford every victim of sexual violence or stalking the opportunity to obtain a restraining order. These individuals live in fear for their lives each day and their safety should not be contingent on the relationship between them and their perpetrator.

I think we can all agree that we want to protect everyone from enduring the effects that are associated with sexual violence and stalking. Passing HB 5593 will take us one step closer in that direction.

I hope you will join me in supporting HB 5593

Thank you for your time.

Krystal Rich, Adult Advocate, Sexual Assault Crisis Service, a program of the YWCA New Britain
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*Judiciary Committee*HB 5593, AAC Domestic Violence and Sexual Assault

Submitted by: Liz Halla-Mattingly, *Advocate, Sexual Assault Crisis Service, a program of the YWCA New Britain*

To the members of the Judiciary Committee, my name is Liz Halla-Mattingly, and I am an Advocate for the Sexual Assault Crisis Service (SACS) of the YWCA New Britain. SACS covers a 46 town region and offers free, confidential services to victims of sexual assault and their loved ones. We provide 24hour English and Spanish confidential hotlines; short-term, individual crisis counseling; a variety of support groups; and accompaniment throughout medical, police, and court procedures. In 2013 SACS served over 700 victims of sexual assault. Based on my work with victims, I would like to testify in support of H.B. 5593, An Act Concerning Domestic Violence and Sexual Assault.

According to the National Intimate Partner and Sexual Violence Survey 2010 Summary Report, 43.2% of female rape victims and 52.4% of male rape victims report being raped by an acquaintance or person of authority and not by an intimate partner or family member. In my experience, these offenders can be friends, neighbors, coworkers, pastors, or classmates, just to name a few. These are people that the victim may see on a regular basis, or who know where the victim lives, works, or goes in their free time. They may be able to contact the victim by phone or online. Fear of encountering one's rapist after an assault can have many consequences, both emotional and physical. The National Sexual Violence Resource Center reports that 81% of women and 35% of men report significant short- or long-term impacts such as Post-Traumatic Stress Disorder. Additionally, the National Intimate Partner and Sexual Violence Survey summary report found that men and women victims of certain forms of violence including rape were more likely to report headaches, chronic pain, sleeping difficulty, and poor physical and mental health. And yet, these victims are unable to file JD-FM-137, or Application for Relief from Abuse, against their offenders. Currently this form can only be filed against a family member or current or former intimate partner. Victims are usually surprised to learn this and have a hard time understanding why they are unable to file for a restraining order against someone who has hurt them and that they are afraid may hurt them again. Despite this discrepancy, I have accompanied clients who are filing this form hoping that it would be granted anyways. Unfortunately, the restraining order is most often denied, leaving victims feeling powerless.

H.B. 5593 would ease the requirements associated with the granting of restraining orders and would allow any victim of sexual assault the right to apply for a restraining order against the offender. This would benefit those many victims raped or assaulted by acquaintances. It will help them feel safe at home, at work, at church, or at school. It may ease some of the negative and destructive costs that are associated with the fear of encountering one's rapist or assailant which can contribute to better mental and physical health for victims.

Thank you for your time in considering this legislation. I hope you will join me in supporting H.B 5593.

Liz Halla-Mattingly
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Testimony of Nina I. Vázquez, Assistant Director for the Sexual Assault Crisis Service
IN SUPPORT OF BILL HB 5593: AAC DOMESTIC VIOLENCE AMD SEXUAL ASSAULT

Honorable members of the Committee, my name is Nina Vázquez, and I am the Assistant Director for the YWCA New Britain Sexual Assault Crisis Services (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 for SACS for eight years and have had the opportunity to work with victims of sexual assault from ages 6 to 60. Each year I continue to empower these wonderful men and women, while ensuring them they are not alone.

In my experience, majority of my clients have known their perpetrator before their assault happened. However, even though my clients have known their perpetrator, they were still not able to obtain a restraining order due to the perpetrator not being a family member or someone the client had a romantic relationship with. Being denied a restraining order has oftentimes turned my clients away from continuing on with reporting their assault. They are not only being denied the right to safety, but they are continuing to be re-victimized by the same perpetrator and also the system. For any victim, restraining orders can provide a sense of security and protection within a situation out of their control. Granting a restraining order to a victim, allows that victim to slowly gain back control of his/her life.

I am in full support of HB 5593: AAC DOMESTIC VIOLENCE AMD SEXUAL ASSAULT for all victims of sexual assault and domestic violence no matter who their perpetrator may be. I hope this helps the Committee to see the importance of making restraining orders more accessible and the Committee joins us in supporting Bill HB 5593. Thank you for your consideration.

Regards,

Nina I. Vázquez
Assistant Director
YWCA New Britain Sexual Assault Crisis Service

Amy Ramirez, MSW Candidate University Of Connecticut
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Testimony in Support of HB 5593

An Act Concerning Domestic Violence and Sexual Assault

Judiciary Committee

March 31, 2014

Good morning Senator Coleman, Representative Fox and members of the Judiciary committee. My name is Amy Ramirez and I am an MSW candidate currently studying at the University Of Connecticut. I am writing to you today in support of HB 5593, regarding Domestic Violence and Sexual Assault. This is a step in the right direction for many people residing in the state of Connecticut, especially those who are victims of Domestic Violence. As you all may know, Domestic Violence is defined as physical, mental, verbal and emotional abuse of a person who is currently or formerly involved with an individual in a dating, married or family relationship. Each year, women experience about 4.8 million domestic assaults and rapes. Men are the victims of about 2.9 million domestic assaults. This affects everyone not just a specific population. Even family members with direct connection to the victim may be affected. An example of this was with a previous client I had personally worked with. Her former husband had physically and mentally abused her and was eventually sent to jail. She was an elderly woman taking care of her grandchild without receiving much help. She was in search of someone who would be able to help her in any way because she felt threatened living in her home she once shared with her abuser. She was terrified that one day he would be released and will come right back to continue the same patterns of abuse. She had a hard time maintaining both herself and her grandson in that home after the sudden change in family structure; she also worried on how she would be able to continue taking care for him. She was losing sight on any help or any support systems due to the strenuous levels of abuse she has gone through. It has even affected her financially as she felt she could no longer take care of her grandson. There has to be more support for these victims. This is one of many instances that occur here right in our State of Connecticut to our own residents. The system needs to be re-evaluated in order to help improve services for victims, just like the client I have mentioned. There needs to be more support in placed for those suffering, such as advocates or even more social workers working to assist victims receive services that they may have not known were available to them.

This act, HB No. 5593 is crucial to assist these victims in need.

Thank you, Judiciary Committee Chairs and Committee members, for allowing me to provide this testimony in support of this Bill on behalf of many clients that I serve, whom are victims of Domestic Violence and Sexual Assault.



Testimony Regarding Raised Bill HB 5593, AAC Domestic Violence and Sexual Assault

Good Morning Senator Coleman, Representative Fox and members of the committee. My name is Aviania Iliadis, and I am an Attorney Advocate with the Domestic Violence Crisis Center (DVCC), a member program of the CT Coalition Against Domestic Violence (CCADV). The DVCC serves the communities of Stamford, Norwalk, Westport, New Canaan, Darien, Wilton, and Weston, and is the only domestic violence victim service provider in CT with attorneys on staff charged with providing representation to victims seeking civil restraining orders.

I urge you to SUPPORT Raised Bill HB 5593, AAC Domestic Violence and Sexual Assault

Section 1:

Economic abuse is present in 98% of all abusive relationships. It is one of the most pervasive tactics abusers use to keep their victims dependent on them – because it is incredibly effective. The inability to achieve economic independence is the number one reason it takes victims multiple attempts at leaving before they are able to leave for good. This applies equally to victims across the economic spectrum.

Approximately 30% of all victims that seek information about civil restraining orders through the DVCC ultimately determine: 1) not to pursue a qualifying application; 2) not to attend the hearing on their granted ex parte application; or 3) to seek early termination of a granted full term order due to the fact that economic relief is not currently provided for in our statutes. Their abuser either has retaliated (or the victim knows he will retaliate) by failing to pay the rent (leaving the victim in jeopardy of eviction or homeless), taking away the family car (often the victim's only means of transportation), removing the food from the home, etc. In these cases, the failure of the law to adequately provide for economic relief directly compromises safety, as they are forced to choose between their safety and economic survival.

Recognizing this, more than 35 other states provide for economic relief as part of the restraining order process. The relief outlined in HB 5593 represents a best practice that would substantially increase the likelihood that a victim will successfully escape an abusive relationship much earlier in the 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 orders of support through the available legal channels.

Section 3:

Difficulty with the current process to accomplish service on an offender is a significant barrier for victims attempting to obtain a protective order - particularly those victims who do not have the benefit of an attorney or an advocate. Problems cited often include:



state marshals not returning phone calls; state marshals refusing to make more than one attempt at service; and safety concerns communicated by the state marshal that a victim does manage to connect with.

The victim's ability to obtain a restraining order for a full year is dependent upon successful service. Victims who are unable to accomplish service are often forced to go through the process of re-filing their entire application. Understandably, many find this process daunting and discouraging and ultimately give up, which compromises their safety.

Research conducted by New Haven Legal Assistance and the Yale Restraining Order Project has revealed that Connecticut is the only state in the country that does not provide for service of restraining orders by law enforcement. The creation of a task force to study this issue, including examining best practices established by other states and providing thoughtful recommendations for legislative action, would be a highly desirable way to address what is often an insurmountable challenge for victims seeking assistance in securing their safety.

Section 33

Currently, approximately one third of all criminal cases in Connecticut courts are family violence cases. It is important that judges have comprehensive training on the dynamics of family violence, are able to recognize the impact that abuse and violence have on the family, and have the capability to identify and disregard misinformation and stereotypes about domestic violence victims. So many of the victims I am privileged to work with have communicated that they are hesitant to engage the criminal justice system because they are afraid they will be stereotyped, judged and/or blamed for what has happened to them. As a Family Violence Victim Advocate, I hear from my colleagues around the state how wonderful this judge is at responding to domestic violence and how awful this other judge is at responding. Victims hear this too, and it impacts their decision making on whether or not to come forward. It is essential that the response victims receive from our civil and criminal courts is consistent across the state. Creating a statewide atmosphere wherein all judges are knowledgeable and sensitive to the issues of domestic violence will only enhance their ability to provide the critical protections that victims seek in a manner which encourages victims to continue to engage with those systems designed to help them.

On behalf of the DVCC, I would like to thank you for considering the proposals outlined in HB 5593 and urge your support.

Please do not hesitate to contact me with any questions or concerns.

Aviana Iliadis, Esq.
Attorney Advocate
(203) 588-9100
amancuso@dvccct.org

HB 5593

An Act Concerning Domestic Violence and Sexual Assault

I have been an advocate for the Center for Family Justice (Bridgeport) for six years and a supervisor of court advocacy for over three years. As someone who works in the field on a daily basis I am confident that my experience will give the committee insight on restraining orders and the need to expand the protection to victims of both domestic and sexual assault.

Section one of the bill is in regards to financial relief as part of a restraining order. Currently, 36 other states provide spousal and/or child support as part of their restraining order process. Connecticut currently does not provide either leaving victims of domestic violence exposed to continued financial abuse from the perpetrator. Over 98% of domestic violence relationships involve financial abuse and allowing applicants of restraining orders to apply for financial relief provides them a stronger ability to be self-sufficient of their abuser and thus safer from further abuse.

Section three of the bill is in regards to service of restraining orders. Establishing a task force to study service of restraining orders will offer crucial information on the lack of service for restraining orders. Time and time again clients that we assist with the restraining order application will be granted an ex parte order only to find out on the day of the hearing that the order was never served. This not only puts them in harm's way (as the order is not in effect until it is served) but it means that they have to go through the entire application process again. This leaves victims exposed to continued abuse and the ongoing confusing court process.

Sections 21-22 and 24-26 of the bill are in concern to victims of sexual assault being allowed to apply for restraining orders. Currently in Connecticut only victims of domestic violence are applicable for restraining orders. Expanding the restraining order statute under this bill would allow victims of sexual assault to also be able to apply for civil restraining orders. There are many times when a perpetrator of sexual assault is not arrested right away and this leaves the victim vulnerable for further harassment from him/her. Children victims of sexual assault who are victimized by coaches, parents' partners, and anyone else who they are not related to are not eligible for restraining orders. Our agency conducts the Multi Disciplinary Team (MDT) investigation for children of sexual assault and there have been many occasions that while the investigation is pending the child and their family continue to be at risk because they are unable under the current statute to apply for a restraining order. One particular case involved a family that lived in the same community as the perpetrator of the sexual assault and because they were not related to him they were unable to apply for a restraining order while the police conducted the investigation on the case. They eventually had to move out of the area because the constant

reminder of the traumatic sexual assault was too much for the child and her mother. A restraining order could have allowed them to live in peace from the perpetrator while the investigation was pending.

Section 32 of the bill establishes a pilot program for family violence victim advocates in the state's family courts to assist victims with restraining orders. As one of two programs who currently have a civil court advocate, we support this initiative wholeheartedly. Victims applying for restraining orders need specialized assistance not only in the application but also in safety planning, referrals to resources, and support in the hearing process which civil court advocates can provide.

I thank the committee for their time and effort on this bill and remain available to answer any specific questions.

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GARVIN G. AMBROSE, ESQ.
State Victim Advocate

Testimony of Garvin G. Ambrose, Esq., State Victim Advocate
 Submitted to the Judiciary Committee
 March 31, 2014

Good day Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee. For the record, my name is Garvin Ambrose and I am the Victim Advocate for the State of Connecticut. Thank you for the opportunity to provide testimony concerning:

Raised House Bill No. 5593, *An Act Concerning Domestic Violence and Sexual Assault*

The Office of the Victim Advocate (OVA) fully **supports** Raised House Bill No. 5593, as the proposal would, in part, provide financial protections for family violence victims who seek ex-parte and restraining orders; establishes a task force to study issues relating to the service of restraining orders by state marshals; and strengthens the criminal penalties for violations of civil restraining orders and criminal protective orders. On March 17, 2014, the OVA submitted testimony in support of Raised Senate Bill No. 462 to this Committee and I would ask that you review that testimony for a more detailed explanation of the above provisions.

While Connecticut has made significant strides over the last few years to improve our state's response to incidents of domestic and family violence, Sections 13 through 20 of the proposal may very well have a greater impact with the education and awareness of teen dating violence to our youth. Prevention efforts, training of school personnel, recording and reporting incidents, and improving a school's response to incidents may reduce the potential for future domestic violence incidents. Unhealthy relationships can start early and may last a lifetime. According to the Centers for Disease Control and Prevention (CDC), nine percent of high school students reported being hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend (2011). Teens often think that some "abusive" behaviors, like teasing, repeated texting and name calling, are acceptable forms of behavior; it is this illogical thinking that can begin a cycle of abuse; therefore, the aims of this proposal should be quickly implemented.

Sections 21 – 26 of the proposal creates the availability of a civil protective order for any victim of sexual assault, sexual abuse or stalking, who otherwise would not qualify for relief from abuse under C.G.S. § 46b-15. As we know, victims of sexual assault and stalking are highly vulnerable, especially during the criminal investigative stage, if one begins, because of the nature and violence associated with these offenses. With sexual assault criminal investigations being particularly difficult and challenging for law enforcement, and therefore potentially taking a substantial length of time to reach a conclusion, there is always a period of time where

victims are left without protection. As sexual assault offenses are widely underreported, protection may never be available to many victims. The proposal justifiably seeks to establish a process for all victims of sexual assault and stalking, in a similar manner to those of domestic and family violence, to seek the necessary orders of protection. The OVA supports the efforts to afford victims of sexual assault and stalking relief from abuse and urges the Committee to bring Connecticut in line with the seventeen (17) other states that currently offer these protections.

Section 30 of the proposal will provide for a 2 year mandatory minimum sentence when a person has been convicted of "spousal" sexual assault, consistent with the penalty for sexual assault 1st. Sexual assault is a violation of one's very being; the penalty should not be lessened simply because the perpetrator is a spouse or cohabitor. The OVA believes that it is important for this Committee to understand that if it is their actual intent to require a convicted defendant to serve every day of the 2 year mandatory minimum portion of their sentence behind bars, then the proposal must be amended to read "for which two years of the sentence imposed may not be suspended or reduced in any manner." Preserving the "may not be suspended or reduced by the court" language would allow the opportunity for the inmate to serve part of the mandatory minimum sentence while the inmate has been released into the community under transitional supervision or supervision by the Board of Pardons and Paroles.¹

Currently, a defendant may be charged as a persistent offender for the recurring conviction of crimes relating to assault, stalking, harassment, threatening and violations of orders of protection, EXCEPT for a violation of a standing criminal protective order. The OVA believes this omission was simply an oversight; Section 31 of the proposal is merely a technical revision to close the loophole and hold offenders accountable.

Sections 32 – 34 of the proposal will improve the overall isolation that victims of domestic violence often experience within the family court system. It is widely known and understood that the family court system is utilized by some domestic violence offenders to further abuse, harass and threaten their victim. Additionally, the victim's safety may be compromised while initiating a family action or relief from abuse application. The Judicial Branch Family Division statistics for 2011-2012 cited 14,159 dissolution matters and 3,623 custody actions, totalling 17,782. It can be reasonably assumed that a percentage of those cases are related to a percentage of the 8,865 relief from abuse cases cited. Moreover, family matters many times run concurrent to a domestic violence criminal matter; a recipe for disaster for many victims of domestic violence. While victims of domestic violence are afforded the assistance of a family violence victim advocate in criminal matters, those same victims are not afforded the same level of services while experiencing continued abuse by an offender, within the family court system. The family violence victim advocates must have the flexibility to assist victims navigating through the family court system as well as the criminal court system; this will benefit both systems with greater consistency and reliability of information.

¹ State of Connecticut, Attorney General Formal Opinion 2014-001; January 27, 2014

Improved training to judges, Court Support Services Division personnel, guardians ad litem and clerks will undoubtedly present those individuals with a greater understanding of the complexities of domestic and family violence. **The OVA recommends adding judicial marshals among those to receive such training, as they are often the first line of contact for a victim entering either the criminal or family courts.**

Domestic violence shelters offer victims a safe, confidential residence while they transition away from an abusive relationship. The confidential location of the shelter is absolutely critical in maintaining victims' safety. There have been instances where domestic violence offenders have actively pursued their victims' location, and consequently placed other victims of domestic violence in danger. Anyone who overtly violates this confidentiality should face a penalty for doing so. I urge the Committee to support these sensible proposals to improve the climate of domestic and family violence.

Finally, the OVA support the inclusion of a 16 or 17-year-old youth to the State Advisory Council of the Office of Victim Services. The unique experiences of youth can only benefit the Council as policies, services or literature is updated and/or developed specific to the younger population of crime victims.

Raised House Bill No. 5593 is a comprehensive package of recommendations that will bring Connecticut closer to the nationwide effort to reduce and end domestic violence and sexual assault. I dutifully urge the Committee to **SUPPORT** the proposal.

With gratitude,



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State Victim Advocate



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Testimony of Michael Alevy, Senior Assistant Public Defender
Office of Chief Public Defender
Judiciary Committee Public Hearing – March 31, 2014

Raised Bill No. 5593, An Act Concerning Domestic Violence and Sexual Assault

The Office of Chief Public Defender has concerns with Raised Bill Number 5593, An Act Concerning Domestic Violence and Sexual Assault. This bill makes significant changes to the substance of civil restraining orders, the criminal penalties associated with violations of both civil and criminal orders of protection and mandatory minimum sentences for certain offenses.

Section 1 of the bill significantly expands the type of conditions that may be imposed upon a person who is the subject of a civil restraining order issued pursuant to *C.G.S. §46b-15 Relief from physical abuse, stalking or pattern of threatening by family or household member*. The expansion takes the form of the potential imposition of certain financial conditions. Such conditions could prohibit the person subject to the order from terminating household utility services, making changes to home, health or automobile insurance policies or encumbering or concealing other types of property owned by the applicant or the respondent.

Generally, the issuance of civil restraining orders is within the purview of the civil or family court and does not directly impact the function of this agency. However, the Office of Chief Public Defender is concerned that the current bill does not make clear whether a violation of the financial conditions of the civil order is criminal or civil in nature. If the violation of the financial conditions is a criminal offense, there could be a significant increase in this agency's caseloads which could result in increased financial costs to this agency. Any criminal violation of a restraining order is punishable as class D felonies pursuant to *C.G.S. §53a-223b*, and indigent defendants will a right to have appointed counsel in those cases. The Office of Chief Public Defender respectfully requests that the committee to take no action with respect to this section until the ambiguities relating to the penalty are resolved.

Sections 4, 5, and 6 of the bill all function similarly to increase the criminal penalties for certain violations of various orders of protection. The new proposed language increases the penalty for a violation of a restraining order, protective order and standing criminal protective order from a class D felony to a class C felony when the violation of the order involves (1) the imposition of restraint upon a person or liberty of a person, or (2) threatening, stalking, assaultive or other unlawful conduct. These types of violations are distinguishable from those that might involve only prohibited contact, which remain class D felonies. As a result, given the current

status of the law as it relates to violations of orders of protection, this office believes that increasing criminal penalties associated with these violations is unwarranted and unnecessary.

The table below shows existing statutes that provide for sentencing enhancements in a variety of factual contexts.

Such contexts include:

1) Violations of conditions of release. An accused may face additional prosecution under the separate crime for violation of these court set conditions. In all cases an arrest on a new charge may constitute a violation. A conviction under either of these statutes could lead to an additional 1 to 5 years of incarceration depending upon the degree of the new charge.

2) Connecticut's persistent offender statutes also provide enhanced penalties for a person who is convicted for a second time of violation of orders of protection. Additionally, these statutes provide courts the ability to enhance penalties for repeated violations of the crimes that generally give rise to the actual order of protection in the first place.

3) Finally, in the case of a violation of an order that this bill contemplates - those based on new criminal conduct - the court always has authority to impose consecutive sentences on each charge and conviction to arrive at an appropriate sentence given the facts and circumstances of a particular case.

53a-222a. Violation of conditions of release in the second degree: Class A misdemeanor	A person is guilty of a violation when, while charged with the commission of a misdemeanor, he intentionally violates one or more of the imposed conditions of release.
53a-222. Violation of conditions of release in the first degree: Class D felony	A person is guilty of a violation when, while charged with the commission of a felony, he intentionally violates one or more of the imposed conditions of release.
53a-40b. Additional term of imprisonment authorized for offense committed while on release.	A person convicted of an offense committed while released on bond or a promise to appear may be sentenced, in addition to the sentence prescribed for the offense to (1) a term of imprisonment of not more than ten years if the offense is a felony, or (2) a term of imprisonment of not more than one year if the offense is a misdemeanor.
53a-40d. Persistent offenders of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order.	A persistent offender of crimes involving assault, stalking, trespass, threatening, harassment, criminal violation of a protective order or criminal violation of a restraining order is a person who (1) stands convicted of one of those crimes and has been previously convicted of certain other enumerated crimes including criminal violation of a protective order or criminal violation of a restraining order. When any person has been found to be a persistent offender of such crimes, the court shall, in lieu of imposing the sentence authorized for the crime impose the sentence of imprisonment for the next more serious degree of misdemeanor or felony.

Section 3 of the bill creates a task force to broadly study the service of restraining orders issued pursuant to *C.G.S. §46b-15*. The bill requires only that a representative of this office be appointed to the task force by the minority leader of the Senate. The Office of the Chief Public Defender respectfully requests that the bill permit the Chief Public Defender or *her* designee to represent this agency on the task force.

Section 30 of the bill amends *C.G.S. §53a-70b, Sexual assault in spousal or cohabiting relationship: Class B felony*. The amending language creates a new 2 year mandatory minimum sentence for a violation. The Office of Chief Public Defender opposes the creation of the new mandatory minimum and believes that court should have the discretion to sentence the person pursuant to the statutory scheme currently in effect based upon the evidence and the circumstances in the case. Mandatory minimum sentences tie the hands of the judge when determining the appropriateness of the sentence. Prosecutors have, not only the power to charge a person with the commission of an offense but also, the discretion to charge a person with a crime for which mandatory sentence of incarceration would be required. The court, as the neutral arbiter, should be able to exercise its discretion after consideration of all the facts and circumstances when sentencing a person.

The threat of the imposition of a mandatory minimum sentence can act coercively to induce a person to plead to the crime, even if a person pleads to a crime of a lesser degree. A person might even plead guilty to a lesser offense even if not guilty just to avoid a mandatory sentence. This coercive power actually reduces the number of cases that ultimately go to trial and increases the number of plea bargains. It also creates "assembly line" justice rather than focusing on a person's individual frailties and vulnerabilities. For these reasons, this office urges this Committee to reject this section of the proposed bill.

Section 34 of the bill creates a new crime, a class A misdemeanor, when a person knowingly publishes, disseminates or discloses the confidential location of an emergency shelter operated by a domestic violence agency, without written authorization from agency that operates the shelter. While the Office of Chief Public Defender understands the impetus for the creation of this new offense which clearly intends to protect victims of domestic abuse, it is concerned that the present proposed language is overly broad. As written, this office believes that the new statute would criminalize conduct in a way not intended by the proponents. We respectfully request that the Committee take no action on this section of the bill.

The Office of Chief Public Defender thanks the Committee for its consideration.

RATES AT WHICH ACCUSED AND ADJUDICATED BATTERERS RECEIVE SOLE OR JOINT CUSTODY

Compiled by Joan S. Meier, Esq.

One statement in *Breaking the Silence: Children's Voices* that has provoked controversy was my statement that "the studies are showing" that up to 2/3 of accused or adjudicated batterers receive joint or sole custody in court. While no empirical study can definitively determine a universal statistical rate, the key point is that the research consistently shows that accused and adjudicated batterers receive joint or sole custody disturbingly often. This confirms the anecdotal experience of domestic violence attorneys and victims around the country. The following research supports this perspective.

I. A History of Domestic Violence is Common among Contested Custody Cases.

The remarkably consistent research on this issue is compiled in my previously-issued statement, *Research Indicating that the Majority of Cases that go to Court as 'high conflict' contested custody cases have a history of domestic violence* (Nov. 9, 2005).

One good example is a study cited by Janet Johnston, a leading researcher of parental alienation, which found that, among custody litigants referred to mediation, "[p]hysical aggression had occurred between 75% and 70% of the parents . . . even though the couples had been separated. . . [for an average of 30-42 months]". Furthermore, [i]n 35% of the first sample and 48% of the second, [the violence] was denoted as *severe* and involved battering and threatening to use or using a weapon."

- Janet R. Johnston, "High-Conflict Divorce," *The Future of Children*, Vol. 4, No. 1, Spring 1994, 165-182) citing Depner et al., "Building a uniform statistical reporting system: A snapshot of California Family Court Services," *Family and Conciliation Courts Review* (1992) 30: 185-206

II. Domestic Violence Perpetrators are More Likely to Contest Custody than Non-Abusers.

The American Psychological Association's Presidential Task Force on Violence in the Family, the leading review of the research as of 1996, found that men who abuse their partners contest custody at least twice as often as non-abusing fathers. They are even more likely to contest custody if the children are boys.

- American Psychological Association Presidential Task Force on Violence in the Family (1996) at p. 40

III. Accused and Adjudicated Batterers Receive Joint or Sole Custody Surprisingly Often.

The research on this has only emerged in recent years, and most studies have been small and local. Nonetheless, they document disturbing trends, which surprised even me when I first discovered them.

A. Multiple studies have documented gender bias against women in custody litigation.

Contrary to the conventional wisdom that women are favored in custody litigation, both the experiences of battered women and the empirical research are showing that women who allege abuse are deeply *disfavored* in custody courts.

The Massachusetts Supreme Judicial Court Gender Bias Task Force was one of the first states to document the gender bias against women in family courts. This court-initiated study expressly

found that "our research contradicted [the] perception" that "there is a bias in favor of women in these decisions." Moreover, it found that "in determining custody and visitation, many judges and family service officers do not consider violence toward women relevant." The Court's study further found that "the courts are demanding more of mothers than fathers in custody disputes" and that "many courts put the needs of noncustodial fathers above those of custodial mothers and children."

- *Gender Bias Study of the Court System in Massachusetts*, 24 New Eng.L.Rev. 745, 747, 825, 846 (1990)

More recently, and since the evolution and widespread adoption of "parental alienation syndrome," a multi-year, four-phase study using qualitative and quantitative social science research methodologies by the Wellesley Centers for Women found "a consistent pattern of human rights abuses" by family courts, including failure to protect battered women and children from abuse, discriminating against and inflicting degrading treatment on battered women, and denying battered women due process. Histories of abuse of mother and children were routinely ignored or discounted.

- Wellesley Centers for Women Battered Mothers' Testimony Project, *Battered Mothers Speak Out: A Human Rights Report on Domestic Violence and Child Custody in the Massachusetts Family Courts* (Nov. 2002)(hereafter "BMTP"), *Executive Summary* at 2.

A comparable study by the Arizona Coalition Against Domestic Violence found that most of the women surveyed felt the history of abuse was not taken seriously and that they were ignored, disrespected and discriminated against by court personnel.

- Arizona Coalition Against Domestic Violence, *Battered Mothers' Testimony Project: A Human Rights Approach to Child Custody and Domestic Violence* (June 2003), pp. 47, 49, 6.

A study of the Domestic Relations Division of Philadelphia Family Court conducted by the Philadelphia Women's Law Project in cooperation with the court, found that litigants are often denied due process, and that applicable legal standards are "not always observed, particularly in the consideration of abuse in custody proceedings, leaving families at risk"

- Tracy, Fromson & Miller, *Justice in the Domestic Relations Division of Philadelphia Family Court: A Report to the Community*, DOMESTIC VIOLENCE REPORT, Vol. 8, No. 6 (Aug/Sept 2003), p. 94.

B. Studies show Accused and Adjudicated Batterers Receiving Sole or Joint Custody Surprisingly Often.

My own survey of the case law in 2001 identified 38 appellate state court decisions concerning custody and domestic violence. The survey found that 36 of the 38 trial courts had awarded joint or sole custody to alleged *and adjudicated* batterers. Two-thirds of these decisions were reversed on appeal. - Meier, *Domestic Violence, Child Custody, and Child Protection: Understanding Judicial Resistance and Imagining the Solutions*, A U. J. Gender, Soc. Pol. & the Law, 11.2 (2003), 657-731, p. 662, n. 19, and Appendix

These cases included a case in which the perpetrator had been repeatedly convicted of domestic assault,¹ in which a father was given sole custody of a 16-month old despite his undisputed choking of the mother resulting in her hospitalization and his arrest,² in which the father had broken the mother's collarbone,³ had committed "occasional incidents of violence",⁴ and had committed two admitted assaults.⁵ More such instances can be found in *Meier, supra*.

¹ *In re Custody of Zia*, 736 N.E. 2d 449 (Mass. App. Ct. 2000)

² *Kent v. Green*, 701 So. 2d 4 (Ala. Civ. App. 1996)

³ *Couch v. Couch*, 978 S.W.2d 505 (Mo. App. 1998)

⁴ *Simmons v. Simmons*, 649 So. 2d 799, 802 (La. App. Ct. 1995)

⁵ *Hamilton v. Hamilton*, 886 S.W.2d 711, 715 (Mo. App. 1994)

A multi-state study found that, even in states with a presumption against custody to a batterer, 40% of *adjudicated* batterers received joint (legal or physical) custody. In states with competing (e.g. friendly parent or joint custody) presumptions, only 4% % of courts gave sole physical custody to a mother. Morrill et al, "Child Custody and Visitation Decisions When the Father Has Perpetrated Violence Against the Mother," *VIOLENCE AGAINST WOMEN*, Vol 11, No. 8, Aug. 2005, 1076-1107.

The American Judges Association has found that approximately 70% of batterers succeed in convincing authorities that the victim is unfit for or undeserving of sole custody. Another way of saying this is that 70% of batterers obtain sole or joint custody.

- American Judges Association, "Domestic Violence and the Courtroom: Understanding the Problem . . . Knowing the Victim" <http://aja.ncsc.dni.us/domviol/page5.html> (at "Forms of Emotional Battering. . . Threats to Harm or Take Away Children")

A survey of battered women by the Arizona Coalition Against Domestic Violence found that courts awarded joint or sole custody to the alleged batterers 56-74% of the time (depending on the county). Many of these cases involved documented child abuse or adult abuse.

- Arizona Coalition Against Domestic Violence, *Battered Mothers' Testimony Project. A Human Rights Approach to Child Custody and Domestic Violence* (June 2003), pp. 33-34, 47-49

A study of 300 cases over a 10-year period in which the mother sought to protect the child from sexual abuse, found that 70% resulted in unsupervised visitation or shared custody; in 20% of the cases the mothers completely lost custody, and many of these lost *all visitation rights*

- Neustein & Goetting (1999), "Judicial Responses to the Protective Parent's Complaint of Child Sexual Abuse," *Journal of Child Sexual Abuse* 8 (4). 103-122.

The Wellesley Battered Mothers' Testimony Project found that 15 out of 40 cases resulted in sole or joint physical custody to the fathers, all of whom had abused *both* the mother and the children.

- BMTP, *supra* at Appendix A.

The Massachusetts Supreme Judicial Court Gender Bias Task Force found that 94% of fathers who actively sought custody received sole or joint custody, regardless of whether there was a history of abuse. While fathers received primary physical custody 29% of the time, mothers received primary physical custody in only 7% of the contested cases. The Study also cited other research which similarly found that fathers who sought custody received primary physical custody 2/3 of the time, with mothers receiving it less than 1/4 of the time; and another study which found that fathers seeking custody received joint or sole custody 79% of the time, with mothers receiving sole custody in only 15% of those cases (compared to fathers' sole custody in 41% of the cases).

- Gender Bias Study at 831-832 and citing Middlesex Divorce Research Group relitigation study and Phear et al., 1983.

It is likely that a substantial proportion of the fathers in this study had committed domestic violence.

- Meier Statement, *Research Indicating that the Majority of Cases that go to Court as 'High Conflict' Contested Custody Cases have a History of Domestic Violence* (Nov 9, 2005)

See generally, VIOLENCE AGAINST WOMEN, Vol. 11, No. 8, Aug. 2005 (Symposium on NIJ-funded research studies on domestic violence and custody)



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**Testimony of the Honorable Elliot N. Solomon
Judiciary Committee Public Hearing
March 31, 2014**

H.B. 5593, An Act Concerning Domestic Violence and Sexual Assault

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, my name is Elliott Solomon and I am the Deputy Chief Court Administrator. Thank you for giving me the opportunity to talk to you about H.B. 5593, An Act Concerning Domestic Violence and Sexual Assault. The Judicial Branch has concerns with some of the provisions of this bill.

Sections 1 – 10: First, I would like to note that sections 1 – 10 contain duplicate language from S.B. 462, AAC Civil Restraining and Protective Orders. The Judicial Branch had concerns with section 1 of that bill, as noted by Judge Bozzuto when she testified before this Committee on March 17, 2014. I'm happy to report that we have been working with the sponsor of the bill to craft substitute language for your consideration that addresses our concerns while still accomplishing the goals of that provision. Therefore, I would urge you not to approve the language in section 1 of this bill.

Sections 21 – 26: These sections contain provisions similar to language that was recommended by the Task Force on the Expansion of Civil Restraining Orders, which I had the pleasure of chairing during the off-session months. In its report, the Task Force recommended legislation to authorize a new type of civil restraining order for victims of sexual assault and stalking who do not meet the relationship requirement of the current statute governing civil restraining orders. The proposal before you differs from the Task Force's recommendation in that it does not require in-hand service of the orders upon the respondent. There was a difference of opinion among Task Force members as to whether in-hand service should be required. Support for the requirement centered around concerns for victim safety and issues of proof in the

prosecution of violations of such orders, the respondent must actually know that the orders exists and what it prohibits. These concerns would be met by a requirement of in-hand service.

Opposition to the requirement centered on the fact that requiring it in this instance would create a separate standard for some victims of sexual assault that differs from the standard of practice for civil restraining orders served under C.G.S. § 46b-15, which allows for abode service. The Task Force voted 9-2 in favor of requiring in-hand service, and therefore included that requirement in its recommended legislation. However, I would note that section 3 of both this proposal and S.B. 462 would establish a task force to study service of restraining orders issued pursuant to section 46b-15, including the permissible methods of service. I would suggest that if such a task force is formed, it should also look at methods of serving this new type of civil restraining orders.

Section 27: The Judicial Branch is opposed to section 27 of this proposal, which would add "youth victims" to the Advisory Counsel for Victims of Crime. We believe that the interests of children and youth are well represented by the current membership of the Advisory Council, which is made up of 15 members representing a wide range of interests and expertise. Furthermore, this requirement could present a practical issue, as Advisory Council meetings are held during the school day. We would respectfully request the Committee not to approve this section of the bill.

Section 32: The Branch has serious concerns with section 32 of the bill, which would enact statutory language requiring the Chief Court Administrator to permit "...family violence victim advocates to provide services to victims of domestic violence in the Family Division of the Superior Court in each judicial district of the state." We are concerned about the implications of enacting such a requirement. Currently, the Judicial Branch contracts with the Connecticut Coalition Against Domestic Violence (CCADV) to provide, through its member organizations, family violence victims advocates in our G.A. courts and two civil court locations. It is unclear how this proposed language would impact the contracting process. If this proposal is meant to require the Judicial Branch to contract up to sixteen additional family victim advocates, I must note that the budget approved by the Appropriations Committee does not provide the necessary funding.

It is also unclear how such services would interface with other services provided in our family courts as court personnel (family relations officers, court service center staff and other court staff) already provide assistance and guidance to victims of domestic violence. Finally, the language could be read to require these advocates to be housed in our courthouses. We have

serious space issues in many locations. Legislation enacted in 2013 required the Judicial Branch to provide secure space for victims and advocates in all courts, where practicable. All available space has already been allocated to such staff. We urge the Committee not to approve this section of the bill.

Section 33: The Judicial Branch is opposed to section 33 of this proposal, which would require the Judicial Branch to consult with the Connecticut Coalition Against Domestic Violence (CCADV) in developing training programs for judges, Court Support Services Division personnel, Guardians ad Litem and clerks. This proposal is unnecessary. The Judicial Branch already provides a comprehensive training program for judges and staff that include all aspects of domestic violence. Although CCADV is respected for its expertise, dictating a specific organization to provide consultation is problematic on a number of levels, particularly since this identified agency contracts with the Judicial Branch to provide oversight of the Family Violence Victim Advocates in the criminal court. It is not appropriate to involve an advocacy group in decisions about the training of judges and staff. We urge the Committee not to approve this section of the bill.

Thank you for your consideration.

Testimony in Support of

HB 5593, AAC Domestic Violence and Sexual Assault

Judiciary Committee

March 31, 2014

My name is Courtney Battles and I am an Adult Advocate with New Horizons Domestic Violence Services in Middletown. As an Adult Advocate, I have seen the lack of assistance and support in civil matters for victims of domestic violence who are seeking restraining orders. We have had the expertise of Robinson and Cole every other Monday at the court; however this support does not fulfill a fraction of the need.

We have had numerous clients that would benefit from the assistance of a Civil court Advocate.

A victim had concerns that there was no order of protection in place for her safety while her abuser was incarcerated. He had started sending her letters threatening to file motions in the civil court to take custody from her. Before his harassment could escalate, she immediately came to the office and worked with the advocate on an application for a restraining order. At the hearing, the restraining order was granted and the abuser was told not to have any contact with the victim. However, he found other means to continue his harassment. He would file false motions to have the restraining order or custody of their children modified. However, the Advocate did not have the experience or capacity to assist her at the level she needed. The experience was very upsetting to the victim because these motions forced her back to court. This interfered with her employment and took an emotional toll as well. She felt victimized all over again. Unfortunately, this was an instance where the Adult Advocate was not able to work with the client or advocate on her behalf. The Adult Advocate works with clients in shelter, in the community, as well as assisting in the criminal court. However, this position is not dedicated solely to helping victims with civil proceedings. She would have benefitted from having an advocate in the civil court that could voice her concerns and assist her through the process.

Another client filed for a restraining order on the day her husband was arrested. She did not recognize his belligerent behavior and feared that something may happen prior to the next day's criminal arraignment. The restraining order was granted and a criminal protective order was issued the next day. As the case was pending, the abuser received treatment for mental health but the abuser's health deteriorated greatly. The victim sought modifications to the orders so she could see him. Although the Adult Advocate was able to advocate on her behalf to have the criminal protective order modified, the victim had to file motions to have the restraining order vacated on her own.

Many victims come to the Family Violence Victim Advocate's office looking for assistance in filling out restraining order applications, particularly affidavits. With only one full time Victim Advocate in the courthouse, who is funded solely for criminal court, they often cannot get the help they are looking for. The Victim Advocate makes every effort to find time to go through the application with victims and give an overview of the restraining order process. However, no one is available to walk them through the process.

As a facilitator of the community support group, I have heard first hand from my clients how challenging the restraining order process can be.

One support group client always referred back to the emotional toll that leaving her abusive boyfriend took on her. Applying for the restraining order was terrifying for her because she didn't know how he might react. Keeping in mind that the most dangerous time for a victim of domestic violence is when they leave, her fears were legitimate. The experience would likely have been a little easier if she had the support of a civil advocate, who was trained in domestic violence counseling and could provide safety planning and emotional support.

Several clients have expressed how nerve wracking attending the hearing for restraining orders can be. A client reported how it felt to stand there and listen to their abuser lie and make excuses to the judge about their behavior. Because he had been abused for so many years, it was difficult for him to speak up and defend himself. If a civil advocate were available, this client would have known what to expect in a hearing and provide emotional support and additional safety planning on the day of the hearing.

Some clients don't realize that violating a civil restraining order is criminal. I have worked with numerous clients who did not fully understand what their restraining order states or the rights they have if an order is being violated. This is a key element to a safety plan that is lacking without the presence of a civil advocate.

One client was approaching the expiration date of his restraining order. At first, he was unsure whether or not he would request to have the restraining order extended. This was an important opportunity to safety plan. He received notification from the court it was going to expire but needed help understanding what he needed to do. In the end, he decided not to have it extended and created a safety plan for himself based on that decision. This is an important choice for victims of domestic violence because it will change the safety plan they need.

Filing for a restraining order is often the first step for many victims of domestic violence in regaining their independence. As a result of the abuse they have endured, they have low self esteem; have been isolated and broken down. It has been a long time since they put themselves first and acted in their own best interest. They are likely already emotionally drained. Although they may know that the restraining order is needed for their safety and wellbeing, and that of their children, it is a very difficult and scary choice. Currently, the emotional support is not available to victims in the courthouse. Legal proceedings can be daunting. She may not believe that she is capable of applying for a restraining order or representing a hearing alone. The expectation that people can navigate this process on their own is not realistic. The expectation that they should just hire an attorney is not realistic. If an individual has been financially controlled by their abuser, this will not be an option. Pro bono attorneys are few and far between. These victims need guidance if they are to have the best chance of successfully leaving their abusive partner. No one would ever be advised to navigate and represent themselves in a criminal case. Therefore, it does not make any sense to ask an individual to go through civil proceedings on their own. A civil advocate could guide a victim through the process and provide safety planning to ensure that she knows how to keep herself safe.

Leaving an abusive relationship can be terrifying for a victim because there are so many unknowns: where to go, who to lean on for support, how they will support themselves financially, among many other considerations. By funding civil advocates in each court, we can remove an unknown for victims. The civil restraining order process can be such a mystery for someone who has never been through the process. A civil advocate would provide the emotional support needed as a victim makes that choice and works their way through the process.

PAGE 14
LINE 10



Connecticut Coalition Against Domestic Violence

Testimony In Support of

HB 5593, AAC Domestic Violence & Sexual Assault

Member Organizations

Judiciary Committee
March 31, 2014

City of Danbury
Domestic Violence Services
Ansonia, CT

City of Bridgeport
Domestic Violence Services
Bridgeport, CT

City of Danbury
Domestic Violence Services
Danbury, CT

Domestic Violence Programs
Mental Services
Dayville, CT

Domestic Violence Programs
Mental Services
Enfield, CT

Domestic Violence Services
Greenwich YWCA
Greenwich, CT

Domestic Violence
Hartford, CT

Domestic Violence Services
Meriden, CT

Domestic Violence
Middletown, CT

Domestic Violence Center
New Britain, CT

Domestic Violence Center
New Haven, CT

Domestic Violence
New London, CT

Domestic Violence Center
Norwalk, CT

Domestic Violence
Sharon, CT

Domestic Violence Center
Stamford, CT

Domestic Violence
Torrington, CT

Domestic Violence
Waterbury, CT

Domestic Violence
Willimantic, CT

Good morning Senator Coleman, Representative Fox and members of the committee. My name is Karen Jarmoc and I am the Executive Director of CT Coalition Against Domestic Violence (CCADV), the state's leading voice for victims of domestic violence and those agencies that serve them. Our members provide essential services to over 56,000 victims of domestic violence, which includes victims of teen dating violence. Services provided include 24-hour crisis response, emergency shelter, safety planning, counseling, support groups and court advocacy.

We urge Support of HB 5593.

Section 1 – Financial Relief through the Restraining Order

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 judge's the ability to prevent the respondent from disposing, encumbering or transferring specified personal property, such as a joint banking account. One of the first things that domestic violence offenders often do when they realize their partner is leaving them is to drain the joint bank account in an effort to continue to make the victim dependent on them and unable to leave. Termination of utility service will also be prohibited, something that many offenders do in retaliation.

According to the American Bar Association, **36 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, especially when their decision to leave results in homelessness and/or poverty. 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 orders of 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.

The language in the bill clearly states that the financial support provided in subdivision (3) of subsection (b) will not be available ex parte, but only at the time that a hearing is held on the restraining order application. 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 important to note that the Judicial Branch recently surveyed other states that have this type of relief available as to whether there was a fiscal impact to the system. Of the 11 states (Alaska, California, Delaware, Georgia, Indiana, Louisiana, Minnesota, Ohio, Oregon, South Carolina, West Virginia) that responded, 45%-55% of the states indicated neither a fiscal impact, a change in the way cases are handled nor additional burdens on the system. A significant amount of the remaining responses indicated that financial relief had been available for so long that there was no way for the court to look back and determine whether or not there had been an impact when it was established.

It is never acceptable to ask victims to choose between their safety and economic survival. The two cannot be separated; they are intertwined. Immediate financial protection could mean the difference between staying and leaving. Just as 36 other states do, Connecticut's civil restraining order process can and should provide this level of protection.

Section 3 – Task Force to Study Service of Restraining Orders

Section 3 of the bill calls for a task force to study the service of restraining orders issued pursuant to CGS § 46b-15 for victims of domestic violence. The current system of serving restraining orders is complicated and cumbersome for many victims, particularly those who do not have the benefit of working with a domestic violence advocate, legal aid attorney or private attorney. Issues raised in various locations have included the different jurisdictions and the systems in place for contacting marshals to serve orders. Differing processes in the jurisdictions and the lack of communication between them often creates additional barriers for victims to negotiate or can slow down the process of service especially if the order is issued in one jurisdiction and needs to be served in another.

There are also challenges for State Marshals who have the responsibility of effectuating service. Marshals may receive limited or even inaccurate information about the respondent that they need to locate and safely and successfully serve the order. This can slow down or even negate the ability of the marshal to effectuate service. The reimbursement structure for service is also poses challenges to the system.

Restraining orders are a critical piece of victim safety and when orders cannot be properly served, it puts a burden on the victim to go back to the court to file a new application. Not only does this result in an unacceptable gap in safety, but it also leaves many victims feeling as though the judicial system is not a viable source of protection.

The task force proposed in this bill will be able to provide a thoughtful and in-depth examination of the various strengths and challenges of our current service system and make recommendations for improvements that will benefit both victims and those who must serve and enforce these orders.

Section 2, 4-10 – Enhanced Penalties for Violation of Restraining & Protective Orders

The remaining sections of this bill seek to strengthen penalties for individuals that choose to violate civil restraining orders and criminal protective orders. Violations of restraining and protective orders are serious offenses and should be penalized as such. If an abusive individual has become the respondent or subject of a restraining or protective order and is willing to violate the rules set by the court, then there is a very real possibility that their abusive or violent behavior will escalate.

Research has demonstrated several risk factors that, when present in an abusive relationship, often indicate a likelihood of increased violence that could turn fatal. These risk factors include using or threatening to use a weapon against the victim; threatening to kill the victim, strangulation or attempted strangulation, and an increase in frequency and severity of physical violence.

Increasing penalties for violations that include physical restraint, assault, threatening and harassment makes sense. Connecticut must send a strong message about the seriousness of this type of criminal behavior and that it will not be tolerated.

Sections 13-20 – Safe School Climate and Teen Dating Violence

These sections add teen dating violence to the state's Safe School Climate statutes, as well as adds teen dating violence awareness and prevention to the list of topics to be covered under "health & safety" education in public schools. Established in 2011, the Safe School Climate was developed with the specific purpose of shifting cultures in schools from those that attempt to fix bullying after it has occurred, to a positive climate where bullying is not tolerated. "Climates of respect" are meant to not support any form of mean-spirited behaviors, either physically, emotionally, or intellectually. However, by only recognizing bullying, this policy fails to adequately address the serious problem of teen dating violence being experienced by students throughout Connecticut schools.

According to the 2011 Connecticut School Health Survey Youth Behavior Component Report, which is administered by the CT Department of Public Health, 16.7% of Connecticut students reported that they were emotionally abused by a boyfriend or girlfriend (e.g., called names, made fun of in front of others, ridiculed about their body or looks or told they were worthless). Additionally, 8.2% of high school students were hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend. Nationwide, nearly 1.5 million high school students experience physical abuse from a dating partner in a single year.

Last year, CCADV released Connecticut's first-ever statewide plan for the prevention of intimate partner violence. *From Planning to Practice – Preventing Intimate Partner Violence in Connecticut* is the result of an intensive, two-year planning process by a multi-disciplinary group of experienced domestic violence and prevention practitioners. This strategic initiative calls for increasing healthy relationship content in schools and doing so with a standard, evidence-based curriculum across the state. As part of the plan, CCADV is gathering existing evidence-based curricula which will be made available to interested stakeholders at no cost.

Education is the key to prevention. **According to the National Conference of State Legislatures (NCSL), at least 19 states have laws that urge or require school boards to develop curricula on teen dating violence.** Fewer adults will find themselves in abusive relationships and significant costs can be averted down the road if kids are taught the value of healthy relationships when they are young. Just as with bullying, teen dating violence has negative, long-term consequences on victims, perpetrators and the community at large and, therefore, it deserves the same level of attention.

It is important to note that the fiscal note on Public Act 11-232, which established the Safe School Climate and related requirements of the State Department of Education (SDE) and local school boards, projected a cost to SDE in the first year of \$110,000, which included approximately \$50,000 in one-time costs, and \$50,000 in the second year. It projected costs of less than \$20,000 per year to local school boards for implementation. We do not anticipate a significant cost for adding teen dating violence and, as noted in Section 16, CCADV will be available as part of the Safe School Climate Resource Network to provide information, training and resource materials related to teen dating violence.

Section 28 – Premium Financing Arrangements for Professional Bondsmen

Section 28 of the bill establishes premium financing guidelines for professional bondsmen, similar to that in place for surety bondsmen under C.G.S. § 38a-660c, which requires a 35% down payment for premium financing arrangements. Bail bonds are an important piece of a system set up to protect the safety of the public and victims of criminal behavior. However, many domestic violence offenders bond out within hours of an arrest because some bondsmen set up payment plans with no requirement of any money up front.

In 2011, recognizing the inherent danger of such a practice, the Legislature established premium financing guidelines for surety bondsmen licensed by the CT Insurance Department, but failed to establish any such guidelines for professional bondsmen licensed by the CT Department of Emergency Services and Public Protection. There is a distinction between these two types of bondsmen based on where liability falls if the bond is forfeited. Surety bondsmen write bonds backed by an insurance agency and professional bondsmen write bonds collateralized by their own funds or property deed.

We are asking that the state apply the same premium financing arrangements for bail bonds regardless of the type of bail bond agent involved. Many victims feel overwhelming fear and hopelessness when their abuser is out of jail just hours after an arrest, despite a bond being in place. The lack of time to establish an appropriate safety plan puts victims right back in a dangerous situation. Putting some financial onus on the offender to get him or herself out of jail following an arrest and establishment of a bond will have a positive impact on public safety, particularly for those arrested for family violence who may immediately return to the scene of the crime upon release.

Section 30 – Sexual Assault in Spousal or Cohabiting Relationships

This section establishes a 2 year mandatory minimum for rape in a spousal or cohabiting relationship, similar to the mandatory minimum applied to 1st degree sexual assault. Sexual assault committed by a spouse or someone you live with is no less serious than sexual assault committed by someone else and, therefore, the penalty should be no less severe.

Section 32 – Family Violence Victim Advocates in Civil Court

This section establishes a pilot program for Civil Family Violence Victim Advocates (FVVAs) who will assist victims of domestic violence dealing with family matters in the civil court. These advocates, which would be certified domestic violence counselors contracted through CCADV, will be available at the court to meet with victims seeking a restraining orders pursuant to C.G.S. § 46b-15, assist them with completing the application and provide critical safety planning for the victim and her/his children. Connecticut averages approximately 8,900 restraining order applications per year with an average of 33% of those applications resulting in full, one year restraining orders.

Currently, CCADV and our 18 member organizations receive federal funding for FVVAs that provide specialized support and advocacy to domestic violence victims involved in the criminal court system. While these advocates cannot provide legal advice, they can provide information on the court process, explain what options are available and how each option might impact the victim's safety, and assist the victim with developing an individualized safety plan.

Making these advocates available in civil court will not only fill a critical gap in safety that currently exists for many victims who seek restraining orders without the support of their local domestic violence agency or an attorney, but can also play an important role in the function of the court. The Judicial Branch estimates that 80% of litigants in family court are pro se. While restraining orders are only one type of relief provided in family court, we know that many victims go through this process alone. FVVAs located in civil courts could assist with many concerns raised by various stakeholders about the restraining order process, including assisting applicants with completing the required affidavit, ensuring that the person who caused the abuse meets the definition of family/household member and that the applicant is therefore eligible for a restraining order, working collaboratively with Family Relations to obtain necessary information from the victim, and helping the victim to find a State Marshal to serve the restraining order while providing the information necessary for the Marshal to successfully effectuate service.

However, we would like to reiterate that the most pressing reason to establish a program of FVAs in civil court is to ensure that all domestic violence victims seeking restraining orders are provided individualized safety planning by a certified domestic violence counselor. Restraining orders are an important piece of victim safety, but their effectiveness is enhanced immensely when accompanied by a comprehensive safety plan. There is currently no mechanism in the civil court to ensure that domestic violence victims are connected to the local domestic violence organization for this planning. Having an FVA on site at the courthouse to meet with domestic violence victims when they first arrive to apply for a restraining order will make a positive difference in the lives of many victims.

Section 33 – Judicial Branch Training Related to Family Violence

This section proposes that the Judicial Branch work in consultation with CCADV on its established training program for judges, Court Support Services Division personnel, guardian ad litem, and clerks related to family violence. It also calls for judges' training to include the unique social and emotional characteristics of family violence crimes.

One third of the cases before Connecticut's criminal courts relate to family violence and, as previously stated, Connecticut averages 8,900 restraining order applications in civil court each year. 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. The manner in which judges and court personnel approach family violence cases has a significant impact not only on the victim's safety and how the victim copes with the violence, but also on the impression that the offender gets as to the seriousness of the crime and level of his or her accountability.

CCADV continually seeks opportunities to work with the Judicial Branch for purposes of training and education. In 2012, we 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. Ongoing training related to family violence will allow judges to recognize typical offender conduct and tactics, understand the numerous barriers that victims face when trying to end an abusive relationship, and identify misinformation and common stereotypes about victims and domestic violence in general.

While we cannot stress enough that there are many judges and court personnel in Connecticut who go above and beyond to keep domestic violence victims safe and hold offenders accountable, there is always a benefit to maintaining an open and cooperative dialogue between advocates and the Judicial Branch. We are confident that collaborating on training and education will only strengthen the state's response to domestic violence.

Section 34 – Public Disclosure of Domestic Violence Shelter Locations

This section proposes a Class A Misdemeanor for any person who knowingly publishes, disseminates or otherwise discloses the confidential location of a domestic violence shelter without the written authorization of the domestic violence agency that operates that shelter.

This proposal seeks to address situations in recent years where proposed shelters in various areas of the state were exposed by neighbors who did not want to see the shelters opened in their neighborhood. Allowing members of the public to purposely and knowingly disclose these addresses publicly so that the shelter cannot be opened at that location is a serious problem that could conceivably result in the exposure of all shelters statewide. This would mean there would be no safe and confidential location for victims of domestic violence.

It is our understanding that residents in these areas knew that confidentiality is key to the location of a domestic violence shelter and if that location were to be exposed, then the shelter wouldn't be able to open. Proposed shelter addresses were subsequently shared on the internet via social media.

Nineteen (19) states currently have laws pertaining to the confidentiality of domestic violence shelter locations, including Connecticut, which explicitly exempts these locations from disclosure under our Freedom of Information statutes. However, unlike Connecticut, 8 of those states impose some form of criminal or civil penalty for the illegal disclosure of that location. This includes California, Georgia, South Carolina and Washington, which impose misdemeanor charges.

Domestic violence shelters in Connecticut continue to run at or above capacity. There is a real need for more shelter beds which may necessitate new shelters or the relocation of some to larger buildings. Establishing some form of a criminal or civil penalty for purposeful and malicious disclosure of shelter locations will be a critical piece of dissuading future disclosures.

Remaining Sections

CCADV supports HB 5593 in its entirety, including several technical changes covered in various sections of the bill and we are happy to answer any questions about those sections.

Additionally, we offer our support to our sister association, CT Sexual Assault Crisis Services, and their leadership to establish civil protection orders for victims of stalking and sexual assault by someone that does not meet the definition of family or household members (section 22 of the bill). While CCADV would only come into contact with victims of stalking and sexual assault committed by a family or household member, we believe that all victims of these crimes deserve the fullest protection of the law.

Please do not hesitate to contact me with any questions or concerns

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