



February 5, 2015

TO: Senator Claire Ayer, Chair
Senator Virginia Lyons, Vice-Chair
Senate Health and Welfare Committee

FROM: Auburn Watersong, Associate Director of Public Policy
RE: S.9 - Section 6 – Comments on Definitions

Thank you, Senators, for your careful consideration of S.9 and the opportunity to speak to you about this important bill. With regard definitions as listed in Section 6, we support the changes as recommended by DCF to both “physical injury” and “sexual assault” for the reasons cited in previous testimony. However, with regard to the definition of “risk of harm” (see below, with DCF recommendation underlined), we would suggest the following wording be added: **(14) (A) through (14) (E) assume that the person would have been able to protect the child without risk of bodily or emotional harm to the person or the child.**

As we know, victims of domestic violence are often threatened and face very real risk when attempting prevent, report, or intervene when there is perceived risk of harm to their child. Perpetrators of domestic violence too often use threats of violence or death toward the victim, children, family and friends as weapons to control a victim who is striving to protect their children. A victimized parent may face threats from their abuser that the abuser will hurt or kill the child and the victimized parent if the victim attempts to report her violent partner or flee with her child. In addition, it is well known that a victim’s risk of homicide dramatically increases upon leaving. In fact, women are most likely to be murdered when attempting to report abuse or to leave an abusive relationship. Women who leave abusive relationships are 25 times more likely to be assaulted by ex-mates and 5 times more likely to be murdered”.ⁱ For these reasons, it is critical that this wording clearly states that the definition applies when, and only when, *one has the ability to protect a child without risk to herself or her child.*

Thank you.

DEFINITION

(14) "Risk of harm" means a significant danger that a child will suffer serious harm other than by accidental means, which harm would be likely to cause physical injury, neglect, emotional maltreatment, or sexual abuse. Risk of harm includes but is not limited to:

(A) a single, egregious act that resulted in significant risk that a child could have been seriously physically injured, including production or pre-production of methamphetamines in a dwelling where a child resides;

(B) being absent and not arranging for a child to be supervised in a manner appropriate to the child's age and circumstances;

(C) not providing developmentally appropriate supervision or care for a child due to use of illegal substances, misuse of prescription drugs or alcohol;

(D) not appropriately supervising a child in a situation in which drugs, alcohol or drug paraphernalia are accessible to the child;

(E) knowingly allowing a child to be at substantial risk of sexual abuse;

(F) failure by a registered sex offender or person substantiated for sexually abusing a child to refrain from residing with or spending unsupervised time with a child.

ⁱ Browne, A. (1987). When Battered Women Kill. New York: The Free Press; Sonkin, D., Martin, D., & Walker, L. E. A. (1985). The Male Batterer: A Treatment Approach. New York: Springer; see also: Deborah K. Anderson & Daniel G. Saunders, Leaving an Abusive Partner: An Empirical Review of Predictors, the Process of Leaving, and Psychological Well-Being, TRAUMA, VIOLENCE & ABUSE 163, 179 (2003).