



## **H. 27– An Act Relating to Coercive Controlling Behavior and Abuse Prevention Orders**

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Thank you for the invitation to speak with the committee today about H. 27, an act relating to coercive controlling behavior and abuse prevention orders. On behalf of our Member Organizations and the victims and survivors we represent, the Vermont Network strongly supports H. 27.

### **What is coercive control?**

While domestic violence is most often equated with physical violence, domestic violence survivors and their advocates have long known that there are many forms of intimate partner abuse. Domestic violence is best understood as a broad spectrum of abusive behaviors of which physical violence is on the end of a spectrum of escalating behaviors designed to exert power and control over their partner. Abusers use coercive tactics to control their partners, isolate them from support, deprive them of independence and exploit them. Some examples might be threatening to harm pets, monitoring text messages or emails, threatening to report a victim to immigration or child protection officials, or isolating the victim and preventing them from fleeing.

Let me give you a quick but powerful example of what this actually looks like. There was a survivor who was living in a very rural area of the NEK. She had two very small kids (younger than 3) and was a stay-at-home mom. Her partner was incredibly controlling and frequently accused her of contact with other men. They had a minivan, and her partner removed the back seats of the van, placing them in their yard. He did this because he knew that she was such a good parent that she would never drive with her kids in the back without proper seatbelts and car seats and he wanted to control her movement. Essentially, this made her a prisoner of their home - unable to drive anywhere with her kids and isolating her from her already limited supports.

These tactics are not one-off rude comments or someone having a “bad day” but part of an overall pattern of behaviors designed to exert control and force compliance. The impact of which is emotionally and often financially devastating for victims.

### **Why is H. 27 needed?**

Every year there are approximately 40,000 victims of domestic and sexual violence in Vermont<sup>i</sup> and over half of all homicides in Vermont each year are domestic violence related. We also know that a minority of those victims seek out legal protections or justice through the criminal legal system. As you have heard in other committee discussions this week related to restorative justice and abusive litigation, there is a pressing need for us to provide more pathways and on-ramps for victims to access support



and protection and to be able to move on from the trauma of abuse. H. 27 would expand victim access to protection at an earlier intercept by allowing judges to understand and consider the full pattern of abusive behavior before that behavior potentially turns lethal.

Our civil protection orders are designed to protect victims of domestic violence outside of the criminal legal system and, ideally, before that abuse has risen to a criminal level. Many victims report that they are unable to obtain a protection order because while the abuse they experience is severe and devastating to all aspects of their lives, that abuse has not been physical. Vermont's abuse prevention statutes define abuse to include attempting to cause or causing physical harm, abuse to children, stalking, sexual assault and placing another in fear of imminent serious physical harm (15 V.S.A. § 1101). While this may encompass threats of physical harm, coercive control extends beyond threats of physical violence. I have personally sat with many victims who have said, "I wish he had just hit me" and I have heard this time and again from advocates who feel powerless to help when their clients need legal protections against abuse but there has not been physical violence yet.

### **National Conversation:**

In recent years, many states have had similar conversations in their state legislatures on including coercive control in their protection order statutes or other judicial systems. States have contemplated three distinct approaches – adding coercive control language to their criminal statutes, their family law statutes and/or their civil statutes. We believe that the only appropriate place for this language in Vermont statutes is in the civil realm. California, Connecticut, Hawaii, Maine, Michigan, and Puerto Rico have all explicitly added coercive control to their protection order statutes<sup>ii</sup>. Anecdotally we are hearing from our colleagues in these states that this implementation process has been successful and that victims are able to find relief by obtaining a protection order on the basis of coercive control.

Many other states are in parallel processes to us in Vermont and are considering it in their state legislatures this year. We expect that our neighbors in Massachusetts and New York will also codify coercive control in their civil statutes this year.

In response to this growing movement among the states, the National Family Violence Law Center at George Washington University released a model coercive control definition for civil statutes this past year. This language informed the language found here in H. 27 and I have submitted this document as part of my testimony.

### **Remedies in H. 27**

H. 27 provides a pathway for survivors to address coercive control and receive protections from the court to prevent the abuse from escalating any further. Through establishing coercive control as part of



the spectrum of domestic abuse in our civil protection orders, the courts will have the additional tools they need to better understand and respond to domestic violence in all of its forms, while still protecting the due process of those using abusive tactics. The language in this bill is at its heart an expansion of understanding what domestic violence really looks, which will allow judges to better assess abusive situations and enhance their ability to protecting the wellbeing of the survivor.

If enacted, we view H. 27 as a critical step – but just one component - to address coercive control in the courts. This will require a comprehensive approach involving judicial training and support for survivors seeking such orders. It is our sincere hope that your considerations today will lead to all Vermonters being able to rely on safe, and timely access to court protection to address domestic violence.

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<sup>i</sup> [https://www.vtnetwork.org/wp-content/uploads/2021/04/Economic-Impact-Report\\_4\\_2.pdf](https://www.vtnetwork.org/wp-content/uploads/2021/04/Economic-Impact-Report_4_2.pdf)

<sup>ii</sup> Battered Women’s Justice Project (2022) [cc-matrix.pdf](#)