



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 again 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 as written.

The language in front of you in H. 27 represents an evolution in our protection order statute to ensure that all who need these protections are being adequately captured by our definitions and provided the protections they need. 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 provides a clearer understanding of what domestic violence really looks like, which will allow judges to better assess abusive situations and enhance their ability to protecting the wellbeing of the survivor.

What are we seeing in Vermont?

Over the past week, I reached out to the 15 member organizations of the Vermont Network who provide support to survivors across the state. All of these organizations have advocates who regularly assist survivors through every stage of the relief from abuse process including determining whether or not they should file for relief from abuse, helping them through the filing process and attending the court hearings with them. They provide support and advocacy for survivors at all stages of both the temporary and final relief from abuse order process. I received many stories from advocates, all of which highlighted the need for this protection to be available for survivors in our state. I would like to highlight a few for you here:

A program in Central Vermont shared with us an anonymous story about a survivor who was told by the law enforcement officer that they worked with, "Next time just let [them] get one punch in and you'll be all set." In the years since this incident, this survivor remains aware of this individual in her community because she believes that if they were to meet, her life would be in danger.

A program in Northern Vermont also wrote in to share about a case where a protection order was not granted. This program was working with a survivor where a protection order was not granted. This survivor was fleeing her abusive husband. She utilized the web chat as a means to start communication because her phone calls were monitored and she was not able to leave the home without her husband, who is the person causing harm. They have two children and one that had passed away at birth. The



mother was experiencing grief and depression about the loss of her child as well as being verbally and emotionally abused daily. The most severe incident that she reported was an incident where her husband threatened to kill himself and then put a gun in his mouth in front of her and the children and pulled the trigger. There was not a bullet in the gun, but the woman and the children did not know that, and that event was fear inducing and traumatizing. The advocates reported being shocked and dismayed that she was not given the temporary order so she could present her situation in court.

Other States

Seven states or territories already have coercive control explicitly added to their protection order statutes: Arkansas, California, Connecticut, Hawaii, Michigan, Washington, and Puerto Ricoⁱ. Six additional states have something very similar to coercive control in their statute definitions without it being explicitly defined as such: Colorado, Delaware, Maine, Missouri, Montana, and Oregon. Legislation is also being considered in other state legislatures this session across the country - most notably in northeast states of Massachusetts, Rhode Island and New York.

Most states, including our own, do not require their Judiciary to track data related to protection orders which makes compiling data related to the efficacy of coercive control laws particularly challenging. The National Family Violence Law Center (NFVLC) at George Washington University (NFVLC), which manages the nation's legislative clearing house on family court and related matters, is currently conducting a survey in HI, CA, CT, and WA to assess how their coercive control laws are working.

Anecdotally we are hearing from our peers in other 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. Over the past week, we reached out to all of the coalitions in states that have already explicitly established coercive control as part of their protection order statutes and received the following responses:

California: Christine Smith, Policy Analyst at the California Partnership to End Domestic Violence reported, "Unfortunately we don't have published data on coercive control from California's law. I haven't heard any other referenceable cases on this topic but have heard anecdotally that it's challenging to get restraining orders solely on coercive control."

Connecticut: Liza Andrews, Director of Public Policy and Communications at CTADV reported, "There is no way for our Judiciary to track what orders are requested solely for coercive control vs. a combination of coercive control and physical or threatened physical assault, nor is there a way for them to track for which reason they are granted...We did recently query our advocates (advocates work for our 18 member organizations) and the majority reported that the additional of coercive control to the



restraining order had a positive impact on obtaining orders. A few reported it had a neutral impact. No one reported a negative impact.”

Hawai'i: Angelina Mercado, Executive Director of Hawaii State Coalition Against Domestic Violence reports: “We don’t have data from the courts about protective orders because it is not being tracked. To do so, they would have to go through the narratives of each petition. Our statute includes psychological abuse and historically, advocates have found that the courts have not granted many protective orders for this reason...there have been no constitutional challenges to the statutes.”

Washington: Emily Stone, Public Policy Director for Washington State Coalition Against Domestic Violence reported that their law was implemented in July of 2022 so it is still very new and they do not have any data to report anecdotally or otherwise yet.

Maine: While not explicitly defined as coercive control, the Maine protection order definitions and purpose sections include coercive controlling behaviors, including economic abuse. Andrea Mancuso, Public Policy Director for MCEdV, reported that she finds Maine’s broad definition to be incredibly useful and that people can and do get protection orders for coercive controlling behaviors frequently and that they have been able to for a very long time. As expected, she reported that abusers do occasionally file for these orders but that she believes that Maine’s strong definitions allow judges to resolve final orders accurately in most cases. She also noted that there has never been any constitutional challenges to their law.

Model Code:

H. 27 is based on model code language developed by national experts and released by the National Council of Juvenile and Family Court Judges. In their accompanying commentary they acknowledge that abusers already attempt to use these systems and orders to further their abuse. This is true here in Vermont as well. It is not uncommon for abusive partners to seek an order of protection against victims through the court system. However, the language of H. 27 is designed with these risks in mind. The National Council discusses this in saying: “(this language) addresses one of the more challenging aspects of domestic abuse: when each parent alleges the other has engaged in acts of abuse. The prevalence of abusive parents seeking protection orders and/or raising allegations of abuse as a tactic is all too common. The court is then faced with the task of determining the credibility of allegations based on the evidence provided and rejecting unfounded allegations..... Because the nature of coercive controlling abuse is to diminish the autonomy and sense of self of the target of the abuse, it is unlikely that both parties will have engaged in such abuse as defined in this Chapter (p.61)”ⁱⁱ



ⁱ Battered Women's Justice Project (2022) [cc-matrix.pdf](#)

ⁱⁱ National Council of Juvenile and Family Court Judges (2022) <https://www.ncjfcj.org/wp-content/uploads/2023/02/Revised-MC-Chapter-Four-Dec.-2022-FINAL.pdf>