



SB77

JENNIFER'S LAW

CONNECTICUT

WIDENING THE DEFINITION OF DOMESTIC VIOLENCE
TO INCLUDE COERCIVE CONTROL

NARCISSISTICABUSEREHAB.COM

ALEX KASSER

SB77 Jennifer's Law

*Widening The Definition of Domestic Violence to
Include Coercive Control in Connecticut.*

A black circle containing the white text "NAR" in a bold, sans-serif font.

NAR

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SB77: Jennifers Law

A bill that Identifies, Addresses and Prevents Domestic Abuse and Child Abuse in Connecticut.

January Session, 2021

To: (1) Identify, address and adjudicate the full scope of domestic abuse, domestic violence and child abuse cases in family court;

(2) prevent the escalation and continuation of abuse in such cases; and

(3) identify and protect the victims of such violence and abuse at the earliest stage possible.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1. That: (1) Chapter 46b of the general statutes be amended to establish
2. a definition of domestic violence that includes coercive control and is
3. applicable to all family relations matters; (2) section 46b-40 of the
4. general statutes be amended to provide that a decree of dissolution of a
5. marriage or a decree of legal separation includes coercive control and
6. shall be granted upon a finding that domestic violence has been
7. perpetrated by one party against the other; (3) section 46b-56 of the
8. general statutes be amended to provide that in any family relations
9. matter involving the care and custody of a minor child, the court shall
10. be required to conduct an initial inquiry into whether domestic violence
11. has occurred between the parties, or between a parent and a child, prior
12. to examining the other statutory factors used to make a determination
13. as to what is in the best interests of a child; and (4) sections 46b-15 and
14. 46b-16a of the general statutes be amended to permit an individual to
15. electronically file an application for a restraining order or a civil order

Draft Notes by Senator Alex Kasser

Before the pandemic, 25% of women reported experiencing intimate partner violence, aka Domestic Abuse or Domestic Violence (“DV”) at some point in their lives. During the pandemic, DV calls to hotlines and police increased by 30-50%. DV is now a public health crisis. Women and children are disproportionately impacted, particularly women and children of color. It’s time for the Connecticut General Assembly to tackle this issue with a bold and comprehensive solution that saves lives and protects victims.

After studying this issue extensively, speaking with dozens of survivors, advocates and legal experts around the country, Senator Kasser proposes the following:

1. Revise the legal definition of Domestic Violence/Abuse in civil law statutes to include coercive control.
2. Experts agree that DV includes more than physical abuse. It includes actions used to dominate and control a spouse/-partner, making her afraid, powerless and subjugated. These actions are collectively referred to as coercive control. [Hawaii](#) passed a coercive control bill in September, 2020. [California](#) has one too. Given the national attention on the Jennifer Dulos case, Connecticut should be a leader on this issue. Jennifer Dulos is just one of the thousands of victims of DV in CT. Most are women of color and do not have the resources to hire a lawyer or protect themselves.

a. **Coercive control** includes a pattern of threatening, humiliating, intimidating or exploiting actions used to harm, punish or frighten a person and deprive them of their freedom, autonomy and human rights. [**Evan Stark, PhD Explains Coercive Control.**]

b. **In an Op-Ed by Judge Albis** published in March, 2020, the Judicial Branch publicly supported this key component of Kasser's proposal

2. Apply the new definition of DV to family court for restraining orders, divorce and child custody cases.

a. Revise the Civil Protective Orders statute, **Sec. 46b-15**, so judges can grant a restraining order to an applicant who provides evidence of coercive control. Under current law, restraining orders are restricted to those who prove a threat of present physical pain, physical injury, stalking, "[physical injury.]" There is no legal recognition of non-physical DV in this statute.

b. Revise the dissolution of marriage statute **Sec. 46b-40** to add DV as a factor. The current statute as written does not recognize DV as a factor in divorce. threat of present physical pain or physical injury, stalking or a pattern of threatening [physical injury.]" There is no legal recognition of non-physical DV in this statute.

c. Revise the child custody statute **Sec. 46b-56** to elevate DV (currently factor #14) to become the primary factor, to be examined and adjudicated first. Though abuse is technically

recognized in factor #14, in practice it is often nullified by other claims. By first determining whether there is abuse in the family, a judge is better equipped to understand the family dynamic, prioritize the child's safety and weigh the 15 other custody factors with clarity before making a decision.

i. Requiring an evidentiary hearing, solely on DV, including child abuse,

(if there's an allegation of such made in a verified pleading) allows judges to identify abuse at the initial stages of a case and prevent further exposure to the behavior earlier.

ii. Otherwise, these cases can drag out for years, subjecting victims and children to years of unnecessary trauma. Adjudicating this issue first prevents the escalation of abuse which often a victim leaves the abuser. And it decreases the need for social services and other state resources required in prolonged cases.

iii. The pandemic has had a significant impact on Child Abuse.

iv. Most child abuse is perpetrated by a parent – 92% of confirmed cases

v. Because kids have less in-person contact with teachers and counselors, reports of abuse have decreased during the pandemic but injuries from abuse are more severe now than pre-pandemic.

vi. Identifying this dynamic early is critical to ensuring children's safety.

3. Make electronic applications for restraining orders available as a permanent option.

An electronic system increases access to court protection for the disenfranchised who can't hire lawyers. And it decreases the amount of judicial time and court resources required to protect the vulnerable. This new system was tested during the pandemic, as a result of an Executive Order, and it worked well.

1. The Judicial branch supports this change.
2. [CCADV has declared this \(item #3\) their top legislative priority for 2021.](#)

Notes:

- Working together to prepare a bill for Special Session this summer, the Judicial Branch
- and I submitted a bill for consideration that included items #1 and #3 above.
- To truly have impact, the new definition of DV must be rigorously applied to existing family court statutes, which is why #2 of this proposal is a critical component.

Conclusion: The Connecticut General Assembly should prioritize passage of this bill that identifies, addresses and prevents both Domestic Abuse and Child Abuse, two public health crises that were made significantly worse by the pandemic.

Submitted by State Senator Alex Kasser, Greenwich, Stamford

and New Canaan.

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Narcissistic Abuse Rehab

For more information about coercive control visit narcissticabuser rehab.co