

SHB 1901: Defining Coercive Control as a Form of Domestic Violence

Testimonies Offered in Opposition to the Bill

February 22, 2022

Link: <https://www.youtube.com/watch?v=W2wPZ08lmu8>

Blair Daly

I am a survivor of domestic violence. I definitely agree that coercive control is domestic abuse. However, it would be a major mistake to drastically expand the legal definition of domestic violence to include coercive control behaviors.

I know well how hard it is for people to believe men who are physically abused by their partners even though statistically it's not that much less common than the other way around. If this expanded definition of domestic violence had been in place at the time we were together, it is not a stretch to say that my ex- may have twisted something I did and turned it into an accusation that I would have had a very difficult time disproving in a 30-minute DVPO hearing, even though she was the abuser.

I know that would have been a possibility because during our couple's counseling, it became evident she was willing to be dishonest about the dynamics of abuse in our relationship, claiming I had done something I never did.

Domestic violence protection orders have very serious consequences for people who are experiencing coercive control types of behaviors from their partner. They have options they can end the relationship, move out, file for divorce, ask for an immediate restraining order, file for a parenting plan. The matters can be handled in family court rather than in a DVPO hearing.

Please remove the portion of this bill that radically expands the legal definition of domestic violence.

Ashley Olsen

Today I appear not only as a domestic violence survivor, but also as a fourth-generation family law attorney here in Washington. No one can deny that domestic violence is an issue that permeates our system and impacts every person at some level in our community. And our state has been truly progressive in attempting to deter domestic violence and protect victims of domestic violence.

My biggest concern here is that this bill contradicts the body of work that has been done for our citizens. And it's actually going to undoubtedly harm victims of domestic violence, and it will not deter domestic violence from occurring in the future.

Our system is bursting at this time, already you have to wait around a month or so to get into the family law calendar. And it can take up to two days or more to appear next party to get in an emergency order because the amount of cases that have flooded our court system. This bill will actually flood our emergency ex-parte which will result in victims of domestic violence who face immediate danger or are terrified for their safety actually being excluded from getting help. And from there our prosecutor's office will actually be unable to help victims facing domestic violence in life or death situations because they'll be addressing violations of course of control.

I have already witnessed yelling classified as domestic violence and protection orders entered in that way. It's been my repeated experience that the judicial branch will exercise an abundance of caution, so that will result in most of these petitions being granted.

Greg Schmidt

I have been actively working on issues related to domestic violence since 1991, when as a police sergeant I oversaw the service of domestic violence protection orders in the City of Seattle.

I'm concerned about the unfair impact the implementation of this bill will have on certain demographic groups in our communities. The cost for families that use or are forced into the criminal justice system is already prohibitive to many. If this bill is passed, one likely outcome will be an increase in the orders of supervised parenting in cases where there are children involved. I was a director of a supervised parenting program for 15 years. Supervised parenting is expensive when children cannot see their parent -- because they cannot afford supervised parenting that hurts children.

I'm also concerned about the financial impact on the criminal justice system. The creators of the fiscal note are honest when they say they don't know how much this will cost taxpayers, although it states at one point, \$500,000 is a possible number. The cost will be much greater than that, I believe. Lawmakers need to study, plan, and vote on what those greater costs and impacts will be.

Lastly, I would ask lawmakers to review the testimony of the House lawmaker who stated that Washington already has some of the best domestic violence orders in in the country, which already include behaviors such as harassment and stalking.

Ann Silvers

I have 20 years of counseling women, men, and couples, including those experiencing partner abuse with or without DV, and those dealing with challenges that are dysfunctional but don't deserve the "abuse" label.

Contrary to comments made during debate in the House, there is not consensus that coercive control should be added to the definition of DV. Professor Evan Stark, who literally wrote the

book on coercive control, doesn't even support the idea. He has stated coercive control is not a type of violence, and there isn't consensus on what behaviors fit into the concept of CC.

The few countries and American states that have added coercive control laws each define it differently. The bill before you proposes a unique legal definition of domestic violence unlike any other in the whole world. If passed, many people will be forced into interactions with police pulled into the courts and have their lives turned upside down, as you run an experiment with those lives.

Stanley Green

I am a documented survivor of physically violent domestic abuse, along with manipulation to limit our children's access to me, their father, who had been their primary caregiver for five years. My abuser marshaled massive economic resources to destroy my career in engineering, hauling me into court dozens of times over 17 years. The Washington Court of Appeals applied the term abuse of judicial discretion to a Superior Court ruling which my abuser paid thousands of dollars to obtain, in relentless efforts to control my life.

Thanks to the encouragement of courageous women in the field of domestic violence services, I earned certification as an advocate for survivors of domestic violence and sexual assault. I have conducted trainings for numerous agencies in Washington and across North America.

Manipulative control is serious. However, to legislatively label this reprehensible practice as "violence" hands a new tool to abusers. Unsubstantiated allegations of coercive control without adequate due process can be a tool by which abusers can gain additional power. In my work as an advocate for members of marginalized populations, I have frequently seen courts refuse the introduction of evidence that would disprove allegations brought by a party who is seeking control through the imposition of an ex-parte protection order.

I ask you to reject this well-intentioned but flawed legislation.

Lisa Scott

There's a lot of talk about how this bill provides due process, I don't agree with that at all. The process is basically two stages: one is the "kick-out" stage, the other is the "keep-out" stage. The kick-out stage is when your spouse goes and gets a ex-parte order, the police come to your house and they forcibly evict.

The keep-out stage is when you go to court a couple weeks later and think, "Okay I get to defend myself and I get to clear this all up." And then you walk into a very crowded courtroom with all sorts of other people, expecting to have their hearings, and you get 20 or 30 minutes.

Judicial officers have a very difficult task, I understand that, but when they're deciding on things like coercive control, it's even less weighted towards objective proof, so false allegations are going to multiply if this bill is passed.

James Clark, National Parents Organization, Washington State Affiliate

All domestic abuse is abhorrent. Using a domestic violence protection order to separate parents is like using a nuclear bomb that destroys the family and, in many circumstances, hurts children the most. Shared parenting research indicates that the best parent is both parents, the best interest of children requires equal time with both parents -- parents that live within approximately 20 minutes of each other, parents that do not bad mouth each other, and ongoing counseling for the parents.

A domestic violence protection order creates the exact opposite environment. The “offending” parent has no custodial time, is homeless, the children may overhear bad things, and a no-contact order effectively prevents counseling. While domestic violence protection orders are sometimes necessary because of physical abuse or imminent danger, toxic partners guilty of domestic abuse may individually continue to be fit, willing, and able parents.

Therefore, separating the offending parent from their children introduces additional conflict, and the use of domestic violence protection orders should be minimized.

Sean Kuhlmeier, Emerald City Bike Lawyer

A massively underappreciated problem that this bill will make worse is that while family courts try to prevent violence, they also sometimes create violence, particularly youth suicide by exacerbating problems between parents.

Kids who have tensions in their family magnified by the family court have more than double the chance of killing themselves. Parents commit suicide because they lose hope of justice via the deeply flawed family court system. Dr. Michelle Deegan, a Bellingham psychologist, killed herself and her two daughters after losing sole custody. Baron Lee, a Bellevue man, survived an assassination attempt from his ex-wife after getting primary custody.

Both cases were high-conflict custody battles created by allegations made in family court. This bill will cause a flood of cases where people who have suffered no violence, but want to get an advantage in their divorce or custody case, claim they need a DVPO for non-violent behaviors. An unintended consequence will be that it will cause people, including kids, to suffer violence because of the chaos this bill will create in their family.

We should not define every inappropriate thing people do to each other as “domestic violence.” By redefining things that people often do when breaking up as “DV,” you will create a whole new class of victims and abusers.

Philip W. Cook

I oppose HB 1901 because I believe it is ripe with the potential for abuse. I don't think it will reduce intimate partner violence, but actually increase the possibility, and place an undue burden on law enforcement and the judiciary. I bring no personal interest to the subject of domestic partner violence; I've never experienced it.

My book “Abused Men: The Hidden Side of Domestic Violence” resulted in working with a number of distinguished colleagues in the field of domestic abuse for a number of peer-reviewed journals.

I note this statement from the Washington Coalition Against Domestic Violence: “criminal interventions remain an important option for intervening to stop illegal violence, but it cannot be the only option.” I agree.

I propose an alternative, hold this measure in abeyance. It's past time for comprehensive examination of how we deal with domestic violence and all its assets based on outcome-driven results.

Ron Hauenstein, Spokane Fatherhood Initiative

We are opposed to the coercive control language in this legislation because it will make it easier for false accusations of abuse and neglect to be lodged by either party.

One dad we work with was falsely accused by the mother of his children of sexually assaulting his kids. He was forced to undergo and pay for a psychosexual evaluation. CPS had to inspect his home for safety and suitability. In the end, he was given a letter that said the investigative agencies recommended no action. In other words, he passed all their tests with flying colors. Nevertheless, he remains unable to assert full parental authority over his children despite seven appearances in family court.

The coercive control language in this legislation will result in courts issuing many more DV protection orders. Children deserve regular interaction with their father, facilitating family reunification. I see this language doing the opposite.

Ryan Greenly

On November 9, 2005, the mother left a voicemail to me stating, “I want to talk about rights of adoption. I’m serious Ryan, I’m going to take her from you. I’m going to keep her from you and you don't even know the hoops that you'll have to jump through because dads don't deserve babies.”

Following a multi-day trial, the judge wrote the following in regards to the November 9 voicemail: “The mother made good on her threats, and spent the next six years in an active legal campaign to prohibit or restrict his contact with the child. This campaign initially took the form of a false claim of domestic violence, a claim recycled over the past 15 years. As a result of this claim, Mr. Greenlee was not allowed to see the child for the first four months of her life and spent the next 19 months under professional supervised visitation.”

The judge, in her ruling, also states the court found overwhelming evidence of 14 years of active sabotage of the father's relationship with the youth. It was apparent that this chronic and severe use of conflict was traumatizing to the child, who has been diagnosed with PTSD and was engaged in self-harming behaviors.

At the end of the day, the vagueness and lack of physical evidence associated with coercive control will be more children who suffer for the effects of domestic violence restraining orders that are misused for purposes of leveraging civil matters.