

CBA LPRC POSITION REQUEST FORM

The CBA Family Law Section Law position request is as follows:

1. Proposed legislative or regulatory concept: **The Section opposes legislation that amends the General Statutes to prioritize coercive control over all other best interest factors in determining the outcome of custody, visitation and parenting cases.**

2. Explanation and rationale for advancing this position: **The definition of coercive control is too broad and the changes to the above-mentioned statutes are not necessary and increase the costs of litigating these matters to litigants. The proposed process will place children in the middle of their parents' divorce. The proposed litigation erodes the best interests of the child standard. It further incorporates new types of evidentiary standards which are difficult to comprehend. This bill was drafted without the input of family lawyers, Family violence victims' advocates, CWEALF, Legal Aid; and the CTAAML.**

3. Is draft regulation, legislation or proposed bill included? **The proposed bill is SB 1060 specifically sections 2-8.**

4. What is the date of any legislative hearing, if known? **March 24, 2021**

5. Was this position previously approved by the CBA? If so, when does/did it expire? **No prior position was advanced to the CBA.**

- 6) Is the CBA section or committee seeking to join a previously approved CBA section or committee position? **No.**

6. Potential or actual CBA opposition from another CBA section or committee? **None anticipated.**

7. Strength of section position (including process and results of section vote taken on issue): **The Section position was approved by unanimous vote by the Executive Committee.**

8. Fiscal impact (on the state): **The legislation requires the Judiciary to provide legal assistance to individuals making applications for relief from abuse. The legislation also mandates a hearing on coercive control if alleged within 60 days of the verified motion. This would require an additional hearing in divorce cases.**

10) Are you seeking “fast-track” approval?¹ **Yes.**

¹ A “fast track” recommendation will be submitted to the House of Delegates (HOD) or Board of Governors (BOG) at its next scheduled meeting (or, if between meetings of the HOD or BOG and during the legislative session, to the Executive Committee), and is warranted only when the Legislative Policy & Review Committee concludes that further analysis and study is unnecessary and where there is legitimate time pressure to address pending legislation.

2020